

First Lieut. Alexander W. Maish to be captain.  
 First Lieut. William J. McCaughey to be captain.  
 First Lieut. Eugene R. Householder to be captain.  
 First Lieut. James G. Taylor to be captain.  
 First Lieut. Eugene Stanschi, jr., to be captain.  
 First Lieut. William A. Ganoe to be captain.  
 First Lieut. Elmer F. Rice to be captain.  
 First Lieut. Edwin C. McNeil to be captain.  
 First Lieut. Benjamin F. Castle to be captain.  
 First Lieut. Charles L. Wyman to be captain.  
 First Lieut. John W. Lang to be captain.  
 First Lieut. Harry W. Gregg to be captain.  
 Second Lieut. Herbert J. Lawes to be first lieutenant.

## CAVALRY ARM.

Maj. George P. White to be lieutenant colonel.  
 Maj. Louis C. Scherer to be lieutenant colonel.  
 Maj. Robert J. Fleming to be lieutenant colonel.  
 Capt. Pierce A. Murphy to be major.  
 Capt. Frederick T. Arnold to be major.  
 Capt. James N. Munro to be major.  
 Capt. William S. Valentine to be major.

## To be captains.

First Lieut. William N. Hensley, jr.  
 First Lieut. Berkeley T. Merchant.  
 First Lieut. Hugh H. Broadhurst.  
 First Lieut. Arthur W. Holderness.  
 First Lieut. Louis A. O'Donnell.  
 First Lieut. William W. West, jr.  
 First Lieut. Reynold F. Migdalski.  
 First Lieut. Henry R. Smalley.  
 First Lieut. Robert Blaine.  
 First Lieut. Jonathan M. Wainwright.

## To be first lieutenants.

Second Lieut. Chapman Grant.  
 Second Lieut. Duncan G. Richart.

## PORTO RICO REGIMENT OF INFANTRY.

First Lieut. Felix Emmanuelli to be captain.  
 First Lieut. Louis S. Emmanuelli to be captain.

## POSTMASTERS.

## ILLINOIS.

Theodore J. Schweer, Beardstown.  
 James H. Spiker, Bushnell.

## MARYLAND.

William E. Hurlock, Hurlock.  
 John F. Wiley, White Hall.

## MASSACHUSETTS.

Joseph A. Mahan, Natick.  
 John F. Malone, Southwick.  
 Frank M. Tripp, Marion.

## RHODE ISLAND.

James F. Grant, Barrington.

## UTAH.

Anna M. Long, Marysville.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 3, 1917.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast ever been, our Refuge and our Strength, Life of our life, Father of our souls, lead Thou us on unto the perfect day by the inspiration of faith, the hope of the heart, the forward look of love with its keen perceptions of the things eternal; that as individuals and as a Nation we may continue to grow intellectually, morally, spiritually until we all come unto the measure of the stature of the fulness of Christ; and songs of praises we will ever give to Thee; in His Name. Amen.

The Journal of the proceedings of yesterday was read and approved.

## RESIGNATION FROM COMMITTEES.

The SPEAKER laid before the House the following communication:

Hon. CHAMP CLARK,  
*Speaker of the House of Representatives.*

MY DEAR MR. SPEAKER: Owing to my election to a place on the Committee on Naval Affairs, I herewith tender to the House my resignation from the following committees: Indian Affairs, Arts and Expositions, Patents and Copyrights, and Expenditures in the Department of Commerce.

Respectfully,

W. W. VENABLE.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

## LEAVE OF ABSENCE.

Mr. HEATON, by unanimous consent, was given leave of absence for one week on account of death in the family.

## COMMITTEE TO INVESTIGATE INTERSTATE AND FOREIGN COMMERCE.

Mr. ADAMSON. Mr. Speaker, the gentleman from North Carolina, the distinguished Democratic leader [Mr. KITCHIN], is absent. I ask unanimous consent for a few minutes to make a speech touching an important matter.

The SPEAKER. The gentleman from Georgia asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, I wish to call the attention of the House to the fact that only five days remain of the time allotted to the so-called Newlands committee to investigate and report to Congress. On a former occasion I explained to the House the impossibility of making the investigation and the report and doing justice to it within the time limited. It is very important that the committee having begun the work and carried it as far as we have we should finish it up. We have heard practically one side of the case, the railroad side, if you can call it one side, but one view of the case, and I think it exceedingly important that the whole case be heard. It will probably require 30 or 40 more working days to do it. I think it important that at a very early day the House consider whether or not it will make the extension asked for in a joint resolution pending in the House. I do not know whether it is the pleasure of the House, this being Calendar Wednesday, to take it up now, but if objection is made to its being considered to-day, I hope that I may have it considered to-morrow.

The SPEAKER. What is the gentleman's request?

Mr. ADAMSON. My request is, Mr. Speaker, that it be taken up now, if the Speaker will submit the question.

The SPEAKER. On account of the pressing necessities of the occasion, the Chair is inclined to submit the gentleman's request. If the gentleman from Georgia will consent to withdraw it in case a wrangle ensues over it the Chair will submit the question.

Mr. ADAMSON. I will do that, Mr. Speaker.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of the resolution, of which the Clerk will report the title.

The Clerk read as follows:

## House joint resolution 323.

Joint resolution to amend a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee, approved July 20, 1916.

The SPEAKER. Is there objection?

Mr. STAFFORD. Let the resolution be reported.

The Clerk read the resolution, as follows:

*Resolved, etc., That S. J. Res. 60 (Public Res. No. 25, 64th Cong.), approved July 20, 1916, entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," is hereby amended to read as follows:*

*"That the Interstate Commerce Committee of the Senate and the Committee of the House of Representatives on Interstate and Foreign Commerce, through a joint subcommittee to consist of five Senators and five Representatives, who shall be selected by said committees, respectively, be, and they hereby are, appointed to investigate the subject of the Government control of the existing system in protecting the rights of shippers and carriers and in promoting the public interest, the incorporation or control of the incorporation of carriers, and all proposed changes in the organization of the Interstate Commerce Commission and the act to regulate commerce; also the subject of Government ownership of all public utilities, such as telegraph, wireless, cable, telephone, express companies, and railroads engaged in interstate and foreign commerce, and report as to the wisdom or feasibility of Government ownership, of Government regulation and control as compared with Government ownership and operation, with authority to sit during the recess of Congress and with power to summon witnesses, to administer oaths, and to require the various departments, commissions, and other Government agencies of the United States to furnish such information and render such assistance as may, in the judgment of the joint subcommittee, be deemed desirable; to appoint necessary experts, clerks, and stenographers, and to do whatever is necessary for a full and comprehensive examination and study of the subject and report to Congress on or before the second Monday in January, 1918. When the members of said joint subcommittee have been selected and the said joint subcommittee has organized and commenced work the present Representatives from the House Committee on Interstate and Foreign Commerce shall continue to serve on said committee, notwithstanding the investigation may extend over the expiration of the Sixty-fourth Congress, and if any member of said subcommittee, Senator or*

Representative, shall cease to be a Member of Congress he is hereby authorized to continue to serve as a member of the said joint subcommittee, which shall fix reasonable and adequate compensation and pay him for such service, as he may render after ceasing to be a Senator or Representative. That if a vacancy should occur on said subcommittee when Congress is not in session the chairman of the committee from which the retiring Member was selected at the time of his selection or the Representative or Senator ranking next to such chairman shall select another member of such committee to fill the vacancy. That the joint subcommittee may fix and pay appropriate compensation to its employees in addition to any salary received from any committee of Congress or from the United States in any capacity. That the sum of \$40,000, or so much thereof as is necessary to carry out the purposes of this resolution and to pay the necessary expenses of the subcommittee and its members, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman or acting chairman of said subcommittee, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of such subcommittee."

The SPEAKER. Is there objection?

Mr. RAYBURN. I object.

#### A QUESTION OF PRIVILEGE.

Mr. WOOD of Indiana. Mr. Speaker, I rise to introduce a privileged resolution, and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution (H. Res. 429) providing for an investigation into certain charges made by Thomas W. Lawson.

Whereas Thomas W. Lawson, of Boston, gave to the public a statement which appears in the daily newspapers under date of December 28 and 29, 1916, in which he says, amongst other things, that "If it was actually believed in Washington there was to be a real investigation of last week's leak, there would not be a quorum in either the Senate or House next Monday, and a shifting of bank accounts similar to those in the good old sugar-investigation days," and in another statement, which appears in the daily press of December 31, 1916, he says, "The good old Capitol has been wallowing in Wall Street leak grafts for 40 years, wallowing hale and hearty"; and

Whereas the statements of the aforesaid Thomas W. Lawson, and each of them, affect the dignity of this House and the integrity of its proceedings and the honesty of its Members:

Resolved, That the Speaker appoint a select committee of five Members of the House and that such committee be instructed to inquire into the charges made by the aforesaid Thomas W. Lawson, and for such purposes it shall have the power to send for persons and papers and enforce their appearance before said committee, and to administer oaths, and shall have the right to make report at any time.

Mr. GARRETT. Mr. Speaker, I make the point of order that the resolution is not privileged.

Mr. WOOD of Indiana. Upon that, Mr. Speaker, we want to be heard.

Mr. GARRETT. In the first place, it is Calendar Wednesday and nothing can come up except by unanimous consent.

Mr. GARDNER. I would like to be heard on that point of order.

The SPEAKER. The Chair will hear all gentlemen.

Mr. GARRETT. In the next place, it does not present a question of privilege.

The SPEAKER. Why not?

Mr. GARRETT. In what way does it?

The SPEAKER. The Chair is asking the gentleman why it does not.

Mr. GARRETT. Is every loose charge that can be made by anybody living on earth to be considered a question of personal privilege unless directed to some Member of the House? In what way is it a question of personal privilege? Not a Member is mentioned in it.

Mr. BENNET. It is a question of the privilege of the House.

Mr. MANN. It is of the highest privilege.

Mr. BENNET. It is higher than a personal privilege.

Mr. BUTLER. It involves the whole membership.

Mr. GARRETT. In what way does a resolution of this sort have the right to come up on Calendar Wednesday?

The SPEAKER. If this resolution is privileged at all, it is a privilege of the House. Rule IX of the House Rules provides:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of Members, individually, in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.

Mr. GARRETT. Then it is the opinion of the Speaker—

The SPEAKER. The Chair will hear anyone on the other side, if the gentleman from Tennessee has concluded.

Mr. MANN. Mr. Speaker, if these charges do not affect the dignity of the House or the integrity of its proceedings, I can not imagine any charges which would. Here is the direct charge made publicly by a man of prominence that the House Members are so engaged in stock manipulation through secret information which could only be obtained officially, that you can not get a quorum of the House together if there is to be an investigation. There can be no question that it affects both the dignity of the House and the integrity of its proceedings.

The SPEAKER. Unless some other gentleman desires to be heard, the Chair is ready to rule.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Illinois assumes that this resolution recites facts that it does not contain. There is no statement in the resolution that Members have been guilty of misconduct in which they could engage only as a result of information obtained in an official capacity. There is a statement which appears in the public press that some person has asserted that if a proposed investigation were made of certain transactions upon a stock exchange, a quorum of either House could not be obtained. I do not think that so preposterous, so ridiculous, so absurd, and notoriety-seeking a statement as that can be construed by Members in their serious senses as a reflection upon this body. It is so palpably, so notoriously, and so outrageously false, without foundation in fact, that it can not be assumed that we must take notice of it or of every other scandalmonger in the United States who is seeking notoriety at the expense of Members of this body. We owe something to ourselves and to the dignity of the House, and we ought not to elevate and magnify and advertise everyone who tries to throw mud without the slightest justification for his accusation.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. FITZGERALD. If the truth were known, if there be any leaks in the State Department, because of his assumed familiarity, it could only have been known by him because of his connection at some time, recent or remote, with them. I yield to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, the gentleman says that the statements are falsely scandalous and consist in the throwing of mud. At whom?

Mr. FITZGERALD. I do not know—not at me.

Mr. MANN. At the Members of the House?

Mr. FITZGERALD. Not necessarily.

Mr. MANN. If it is not throwing mud at the Members of the House at whom is it throwing mud, and if it is throwing mud at the Members of the House, that is a question of the highest privilege. The gentleman is arguing the merits of the proposition and not whether this is a question of privilege. Of course, if the House desires to vote down the proposition, that is another question.

Mr. FITZGERALD. We have not yet come to that point. That can be discussed later.

Mr. MANN. That is what the gentleman was arguing.

Mr. FITZGERALD. I do not intend to be scared off my feet by either the gentleman from Boston or the gentleman from Chicago. If this resolution comes to the House I am willing to vote to refer it to the Committee on Rules, where it belongs.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. EMERSON. Does the gentleman not think that this is a charge directly against the individual Members when Mr. Lawson, a man known all over this country, having a national and international reputation—

Mr. FITZGERALD. As a stock manipulator.

Mr. EMERSON. It does not make any difference about that, for people pay a great deal of attention to what he says. He makes an accusation that if the truth were known about this leak we would not have a quorum here in the House of Representatives. I think we owe it to ourselves and to the country to pass this resolution.

Mr. CALDWELL. Mr. Speaker, the gentleman from Ohio says that people pay some attention to what Mr. Lawson says. Does he know of a single widow in the United States who has paid any attention to anything that he has ever said concerning a stock transaction that was not trimmed?

Mr. EMERSON. It does not make any difference about that.

The SPEAKER. The gentleman from New York has the floor.

Mr. FITZGERALD. Mr. Speaker, the only question of privilege that has ever been held in order, if I recall correctly, on Calendar Wednesday was a question that was asserted to be in order because of some constitutional prerogative, something outside of the rules of the House.

The rules of the House control its business, and on Calendar Wednesday the rule provides that immediately after the approval of the Journal the Speaker shall call the committees. The House did on two occasions pass upon what questions of privilege were in order on Calendar Wednesday. It held at one time that a question supposed to be privileged because of the constitutional provision that the census should be taken every 10 years was not privileged or was privileged—was not privileged, I believe.



Mr. MANN. That had nothing to do with Calendar Wednesday.

Mr. FITZGERALD. It had. The matter first came up on Calendar Wednesday, and the House declined to consider it on Calendar Wednesday because it was not in order and then afterwards it held differently on another day.

Mr. MANN. The question was whether or not it was privileged.

Mr. FITZGERALD. Oh, no; it first came up on Calendar Wednesday. The House held that it could not be considered on Calendar Wednesday, but could be considered on another day.

Mr. GARRETT. Will the gentleman from New York yield?

Mr. FITZGERALD. Yes.

Mr. GARRETT. I wish to direct the attention of the gentleman from New York to the language of the resolution.

Mr. FITZGERALD. Read it to the Speaker.

Mr. GARRETT. The quotation contained in the resolution is this, reported to come from Mr. Lawson:

If it was actually believed in Washington that there was to be a real investigation of last week's leak, there would not be a quorum in either the Senate or House next Monday, and a shifting of bank accounts similar to those in the good old sugar-investigation days.

Now, Mr. Speaker, if the gentleman will permit, I want to ask the gentleman from New York to inquire of the gentleman from Indiana how that language is a possible reflection on the House? It does not say if it is believed in the House.

Mr. FITZGERALD. I saw another statement coupled with that which shows what was in the mind of the gentleman, and that was, he believed there was one man in the United States who could make a real investigation. There was some doubt as to whether he meant the President of the United States or himself. But it seems to me the manner in which this resolution is worded does not raise the question of privilege respecting the House.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. LONGWORTH. Suppose this statement had said "the gentleman from New York," or "the gentleman from Maine," or "the gentleman from Ohio"—myself—"would not be present to make up a quorum on that occasion," does he not think that would present a question of personal privilege?

Mr. FITZGERALD. It depends on the manner in which it was said.

Mr. LONGWORTH. As it was said in the words quoted in the resolution, if it reflected on either the gentleman from New York or myself?

Mr. FITZGERALD. I would not say it would reflect on me. The gentleman from Ohio can speak for himself.

Mr. LONGWORTH. I quoted two gentlemen of the highest virtue that I could think of at the moment.

Mr. HAMILTON of Michigan. That is a reflection on the rest of us.

The SPEAKER. Does the gentleman from Massachusetts [Mr. GARDNER] desire to be heard?

Mr. GARDNER. Not if the Chair is ready to rule.

The SPEAKER. Does the gentleman from Iowa [Mr. TOWNER] desire to be heard?

Mr. TOWNER. Yes, Mr. Speaker; for a moment.

Unfortunately, whenever a decision is based upon a question of this kind it becomes more or less a precedent. The question before the House now is whether or not this is a reflection upon the House in general. The rule—and I will ask the privilege of reading it again—is as follows:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of Members individually in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.

Now, in the precedents that are stated following this rule we have the following notes given in the Manual and Digest:

The privilege of the House—

And I understand them to be under consideration in this resolution—

the privilege of the House, as distinguished from that of the individual Member, includes questions relating to its constitutional prerogatives, in respect to revenue legislation and appropriations, including revenue and other treaties; its power to punish for contempt, whether of its own Members, of witnesses who are summoned to give information, or of other persons; questions relating to its organization, and the title of its Members to their seats, including various questions incidental thereto.

I cite these—and the others are all alike—for the purpose of showing that newspaper statements such as this can not possibly be considered as within this rule. Suppose it should be said in some newspaper here in Washington that if a certain vote came up on a particular day one-half of the Members would be absent on that occasion because they would not dare to vote upon it, would that be within the rule? Certainly not. We are

continually hearing and seeing statements of that kind made, and a great deal worse than that, and it is not, as suggested by the gentleman from Ohio [Mr. LONGWORTH], applicable to individual Members, because individual Members are not specified. They must be stated so that they can be identified.

Mr. MANN. Will the gentleman yield for a question?

Mr. TOWNER. Certainly.

Mr. MANN. Suppose that a Washington newspaper should state that on a certain vote coming up half the Members would be absent because they had been bribed, or from any other corrupt motive, would that be a matter of privilege?

Mr. GARRETT. The language quoted does not say that.

Mr. MANN. I think it does. It is my reading of the language of Lawson—that it is corrupt.

Mr. TOWNER. I still say that I doubt whether that will be a reflection on the House sufficient to warrant such proceedings.

Mr. MANN. He states he would be absent because afraid to vote.

Mr. TOWNER. I could imagine a great many imputations that might be indulged that would not be within the rule. I deprecate as much as any individual Member of the House these statements of the newspapers. But I entirely agree with the gentleman from New York [Mr. FITZGERALD] when he says that by our taking such action as is urged to-day we dignify them and give them character and make them seem as if they were important in the eyes of the people of the United States.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Pennsylvania?

Mr. TOWNER. Yes.

Mr. BUTLER. Suppose it was added that gentlemen of this House would not be present to vote upon a measure to be submitted until they had changed or altered their bank accounts. Would that be a reflection on the Members of the House? I ask the gentleman from Iowa now to consider all the statements that were made by Mr. Lawson.

Mr. TOWNER. The reason that statements of that character are not within the rule is that they are general, they do not particularize.

Mr. HENRY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENRY. Would it be in order to refer this resolution at this time?

The SPEAKER. You can not take a Member off his feet. As soon as this question of order is closed up; yes.

Mr. HENRY. I wanted to move to refer it.

Mr. TOWNER. Mr. Speaker, there has never been, so far as I know, any instance in which the House of Representatives has ever taken any action such as it is here asked to do upon newspaper statements of this general character, statements such as those that are here made; and it occurs to me that if we now make it a precedent we will bring before the House a continual consideration of resolutions of this character.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield right there?

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Wisconsin?

Mr. TOWNER. Certainly; I yield.

Mr. STAFFORD. Is the gentleman familiar with the proceeding that initiated the famous Michael Mulhall investigation, in which he made charges against particular Members of the House, of different character from these only in respect to the fact that these charges are being made generally instead of against individual Members?

Mr. TOWNER. I am arguing to the Speaker now that this is a vastly different proposition when it applies generally, with indiscriminate and sweeping statements which can not be identified. I admit that if these charges were made against individual Members and stated so that they could be identified in any way a different rule would apply.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. TOWNER. Yes.

Mr. EMERSON. Are not the charges individual?

Mr. TOWNER. No; because a direct answer can not be made to them.

Mr. EMERSON. It is a direct charge against every Member of this House.

Mr. TOWNER. If the newspapers should say this House was too ignorant to consider a resolution or a bill, that would be a charge against every Member of this House, and certainly it would not be within the rules and precedents.

Mr. EMERSON. Does not the gentleman admit that an accusation which is believed by nine-tenths of the people of this country should be investigated?



Mr. TOWNER. My belief is that it is exactly opposite. I do not think 10 per cent of the people of the country believe it. Coming from the source it has come from, it is utterly discredited in the eyes of the people of the United States, and I should think it entirely unworthy of the House to take action on this resolution.

Mr. CHIPERFIELD. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. The gentleman from Iowa has taken his seat, but he is up again.

Mr. TOWNER. Yes; I yield.

Mr. CHIPERFIELD. I desire to inquire of the gentleman whether, if 10 per cent of the people of this country do believe that there has been improper action on the part of this House, or of any considerable number of Members of this House, he thinks that it should not warrant an investigation to disclose the truth of it?

Mr. TOWNER. Under some circumstances it could be justified; in others not. In this case I do not believe it is warranted under the precedents.

Mr. WOOD of Indiana rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. WOOD of Indiana. I rise to discuss the question whether or not it is a privileged question.

The SPEAKER. The Chair will hear the gentleman.

Mr. WOOD of Indiana. Mr. Speaker, it is not a question of whether or not 5 per cent or 10 per cent or 3 per cent of the people of the United States believe the vaporings of Mr. Thomas W. Lawson. The question is whether or not this is or is not a privileged question. We are not entirely without precedents on this proposition. I desire to call the attention of the Speaker and the attention of the House to section 2705 of Hinds' Precedents, on page 1145 of volume 3, where it is stated:

A newspaper article charging Members of the House generally with abuse of the franking privilege was held to involve a question of privilege.

The SPEAKER. The Chair would inquire of the gentleman who rendered that opinion?

Mr. WOOD of Indiana. That opinion was rendered by Mr. Winthrop, of Massachusetts.

The SPEAKER. Well, go on.

Mr. WOOD of Indiana. No; it was rendered by Mr. Speaker CANNON in the Sims case. Now, I desire to call the attention of the Speaker to another precedent, section 2709, on page 1147 of volume 3, of Hinds' Precedents:

A newspaper allegation that a certain number of Representatives, whose names were not given, had entered into a corrupt speculation was held to involve a question of privilege.

The charge made here is that so many of the Members of this House were engaged in this speculation and profited by reason of this leak, that if an investigation was had there would not be a sufficient number of Members either of the House or of the Senate present on Monday to constitute a quorum. In addition to that, it further charges corruption by stating that the ill-gotten gains from the transaction would be transferred from the present bank accounts to some hidden bank accounts. Every Member of this House is charged directly—not specifically, but directly—with corruption. His honesty is impugned. The integrity of this House is impugned—not only its individual Members but the integrity of the House is impugned, and challenged before the people of the United States.

And as to the merits of this question, there are plenty of facts to warrant this investigation, but I choose not now to argue the merits of this proposition, but submit, Mr. Speaker, that the precedents are numerous where the charges are not so direct and culpable as the charge in this instance.

Mr. GARRETT. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Tennessee?

Mr. WOOD of Indiana. I will.

Mr. GARRETT. I ask the question with a view to withdrawing the point of order. If the gentleman now states upon his responsibility as a Member that there are plenty of facts to justify this investigation, and will give to the House some intimation of it, I shall be glad to withdraw the point of order. I want something from a responsible source.

Mr. WOOD of Indiana. I will state to the gentleman, who asked me a fair question and in good faith, whether or not I have plenty of facts to warrant investigation, that different minds might form different conclusions as to the sufficiency of the facts I might present, depending upon the prejudice or want of prejudice in such case. That I have facts to warrant an investigation, I will say to the gentleman I am quite sure,

and that there are means of ascertaining further facts as to whether these charges are false I am equally sure if the proper machinery is put in motion. I say again that I have facts which I believe will warrant this body in believing that an investigation should be had, not only for the protection of this House but for the protection of its esteem throughout the country.

Mr. GARRETT. I do not ask the gentleman now to mention names, but has the gentleman facts in his possession that he believes will reflect on any Member of the House in connection with the speculation—

Mr. WOOD of Indiana. No, sir; I have no facts that I believe will reflect upon any Member of the House; but in order that this House may not be accused before the people of the United States because of its silence I ask that this investigation be had.

Mr. GREEN of Iowa. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. GREEN of Iowa. To discuss the point of order.

The SPEAKER. The Chair is ready to rule.

MANY MEMBERS. "Rule!" "Rule!"

Mr. GARRETT. Mr. Speaker, I want to make just one observation. The language quoted in the resolution offered by the gentleman from Indiana is general in its character, and it is at most nothing more than the expression of the personal opinion of an individual, without a single recitation of anything that even looks like a fact contained in the charge.

Mr. Speaker, if that be a privileged resolution, there is not a day in the year on which gentlemen could not arise and present similar resolutions, quoting as a basis the language of publications, daily, weekly, semiweekly, magazines, and every other kind. It does seem to me that before a resolution should be taken seriously, before this body should commit itself to the idea that it is under suspicion, there ought at least to be somewhere an allegation of fact to back up the proposition of privilege.

Mr. GARDNER. Will the gentleman yield?

Mr. GARRETT. Men express their opinions—

Mr. GARDNER. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. GARDNER. Is the gentleman discussing the point of order?

Mr. GARRETT. I am trying to. It does seem to me that in order to make a matter privileged, as presenting a reflection upon the House, or upon any individual Member of the House, there ought to be something more than an expression of opinion about the House or about the individual Member. There ought to be an allegation of fact about the House as a whole or about the individual Member.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. I will.

Mr. GREEN of Iowa. Is not the gentleman aware that this language would be libelous as a matter of law?

Mr. GARRETT. Oh, I do not think it would be libelous at all. In what way would it be libelous? Why, Mr. Speaker, there are men in every congressional district in the United States who express their opinions touching individual Members representing particular districts, and those opinions would not be complimentary to the Members; but would any man for a moment be so absurd as to arise and demand an investigation because some political enemy of his had expressed an opinion adverse to him without making a single allegation of fact? There is no allegation of fact contained in the language quoted in the resolution offered by the gentleman.

Mr. HAMILTON of Michigan. Is there not after all an allegation of fact? Here is an expert who declares that Members of this body—

Mr. GARRETT. An expert on what?

Mr. HAMILTON of Michigan. On the stock exchange, and he is recognized as knowing something about it, and he says that Members of this body have made large sums of money and are endeavoring to put their ill-gotten gains out of sight. That sounds like a charge, does it not? It seems specific, does it not?

Mr. FITZGERALD. It sounds like it, without being so.

Mr. GARRETT. He does not say so. He ingeniously uses language apparently for the purpose of—well, I will not say what—and I am extremely sorry that gentlemen of such great intelligence, as are some of the proponents and backers of this resolution, seem disposed to aid or attempt to aid in a sensational matter of this sort.

Mr. MANN. Will the gentleman yield for a question?

Mr. GARRETT. Yes.

Mr. MANN. Does not the gentleman think after all that Lawson's reputation is quite as good as Mulhall's?

Mr. GARRETT. I do, Mr. Speaker.



Mr. MANN. We ordered an investigation on Mulhall's charges as a privileged matter.

Mr. GARRETT. We did, Mr. Speaker, and I was the chairman of that special committee. We did order it, but contained in those charges were specific allegations touching seven Members of this House.

Mr. HOUSTON. And calling names.

Mr. GARRETT. And calling them by name, reflecting as they conceived upon their honor and integrity; and it was upon that basis, and for that reason, that the House consented to order that investigation.

The point of order which I make is that this resolution does not present a question of privilege, because the language quoted as its basis is merely the expression of a personal opinion by somebody outside, backed up by no allegation of fact.

Mr. STAFFORD. Mr. Speaker, will the gentleman give me a moment for a word in connection with the ruling—

The SPEAKER. The gentleman from Wisconsin desires to ask the gentleman from Tennessee a question.

Mr. STAFFORD. No; I desire to refresh the memory of the Speaker on his ruling on the Mulhall investigation, for the convenience of the Speaker.

The SPEAKER. The Chair will recognize the gentleman in a minute.

Mr. FITZGERALD. Mr. Speaker, this question has been ruled upon by a very distinguished Speaker, one who was always very jealous of the dignity of the House, and one who was held in very high esteem by gentlemen upon the other side of the House.

On July 31, 1890, Mr. Speaker Reed made a very notable ruling. The paragraph is headed—

A newspaper article vaguely charging Members of Congress generally with corruption may not be brought before the House as involving a question of privilege.

This resolution was submitted to the House:

Whereas in the National Economist of July 26, 1890, a newspaper publication known as the official organ of the National Farmers' Alliance and Industrial Union, and which has a wide circulation, the following editorial appears on page 305, to wit: "The bond owners are now happy; they have won the fight, and the bonds they now hold are payable, principal, interest, and premium, in gold only. It would be interesting to know just how many millions it took to force this bill through Congress. Men in these days of corruption and trickery do not change their avowed beliefs and betray their constituencies without a consideration. It will now be in order to placate those whom they have so wickedly betrayed"; and

Whereas the said editorial charges that a measure has been passed through Congress by bribery and the corruption of its Members, the integrity of this House and the rights of the people alike demand that the truth or falsehood of the charge shall be known and dealt with as it deserves.

Then there was a resolution providing for a committee of seven Members to investigate. JOSEPH G. CANNON, of Illinois, since Speaker of the House for four terms, made the point of order that the resolution was not privileged, and after debate Mr. HINDS's Digest shows that Speaker Reed sustained the point of order on the following grounds:

Whether this is or is not a question of privilege does not in the slightest degree prevent its being brought before the House at the proper time; for, even if it is not a question of privilege, any Member has a right to present a resolution and have it referred to the proper committee for examination. But the question whether this is a matter of privilege or not is one which concerns the transactions of business in the House.

It is not always easy to determine the line of demarcation between matters which are questions of privilege and matters which are not. Still there are questions which are very plainly on the one side of the line, and the Chair thinks this is one of them. Here is a newspaper paragraph of the very vaguest character, which makes no assertion except by implication, which makes no statement upon which anybody can be expected to predicate a belief or a conviction. That paragraph is brought before the House, and it is proposed to stop the business of the House until a committee of investigation is ordered. No gentleman on the floor, notwithstanding the number that have spoken, has in any way made himself responsible for the paragraph by expressing the slightest confidence or belief in its statements or by giving any indication that there can be any testimony produced which would have a tendency to prove either the truth or the falsity of the insinuation there made.

Now, it is within the knowledge of every Member of this House that there must be floating about at this time, as there probably have been at any time within the last 10 or 20 years, paragraphs of the same kind and character almost without number; but the House will at once see the inconvenience that would result to the transaction of its business if any Member had the right at any time, upon the production of a newspaper paragraph like this, to demand that we should proceed to investigate it to the exclusion of other business. It seems very clear to the Chair that this is not a question of privilege.

Mr. Speaker, it may be that there should be an investigation of the matters that have been discussed by Mr. Lawson and in the public prints relative to the profit making of individuals, either connected with or not connected with the Government, by operations in the stock market upon information obtained in advance from the Department of State. That is not the question at this time. If there be a belief or any justification for the belief that there should be such an investigation, the mat-

ter should be presented and taken up by a committee with a report to this House, so that when it acts it will act with definite knowledge whether it is doing the proper thing. If the House is to precipitate an investigation in order to convince the country that its Members are honest, that its proceedings are straightforward, that its conduct is above reproach, every time some skillful advertising, notoriety-seeking, semipublic man undertakes to indulge in a general slur on its Members, the House will be occupied in making such investigations and in doing nothing else, because it is unfortunately true that there are sufficient persons of the character mentioned who would be only too willing to obtain the notoriety and advertising that such investigations afford.

I am one of those who believe the House should be sensitive as to assaults upon its integrity or charges against its Members, but I do not believe that it should be hastened pell mell into an investigation without that deliberate procedure after preliminary examination and report by a committee that would convey a moral conviction that it is acting not because of fear but in the discharge of a high and important duty.

Mr. EMERSON. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. EMERSON. While Mr. Lawson was in the city yesterday why did not the committee bring him before it, place him under oath, and ask him these questions and save all this trouble?

Mr. FITZGERALD. I can not speak for the committee and I do not know why it did or did not do certain things. I do not know whether the resolution was before the committee, or whether any resolution had been introduced so that the committee was in a position to act. The Committee on Rules can not initiate an investigation. Unless there be a resolution before it, it has no authority to act or initiate one.

Mr. CAMPBELL. Will the gentleman yield.

Mr. FITZGERALD. That committee, unless there be a resolution before it, is not in a position to act. I will yield to the gentleman from Kansas, he is a member of the Committee on Rules.

Mr. CAMPBELL. For the information of the gentleman from New York I will state that there is a resolution before the Committee on Rules, and has been for several days.

Mr. FITZGERALD. Not for several days.

Mr. CAMPBELL. Yes; it was introduced before the holidays, and there has been a request from the minority members of the Committee on Rules for public inquiry and investigation into the charges made in that resolution. We did not believe that it was a private controversy between the chairman of the Committee on Rules and the gentleman from Boston, nor that the interview had between the gentleman from Boston and the chairman of the Committee on Rules precluded the committee—

Mr. FITZGERALD. I do not think so. I do not think it precluded the committee from acting.

Mr. CAMPBELL. Every member of the minority of the Committee on Rules has been here ready for a public investigation on the charges made in that resolution.

Mr. FITZGERALD. I do not know what the gentleman means by "public investigation."

Mr. CAMPBELL. An investigation in which witnesses may be invited or subpoenaed, and to which the public should have access.

Mr. FITZGERALD. Does the gentleman from Kansas believe that the committee should make any preliminary inquiry?

Mr. CAMPBELL. He does; but that preliminary inquiry should be of a public character.

Mr. FITZGERALD. It should be made by the committee.

Mr. LENROOT. Was not the request really that the Committee on Rules consider the matter, and they have continued that request, leaving the matter of public hearings to be determined afterwards?

Mr. CAMPBELL. That is true.

Mr. FITZGERALD. Mr. Speaker, I can not speak for the Committee on Rules or what it has done.

Mr. CAMPBELL. House resolution 420, I will state for the further information of the gentleman from New York [Mr. FITZGERALD], was introduced by the gentleman from Indiana [Mr. WOOD] on December 22.

Mr. FITZGERALD. That is the day on which we adjourned for the Christmas holidays?

Mr. CAMPBELL. That is the day on which we adjourned.

Mr. HENRY. Mr. Speaker, will the gentleman from New York yield to me for a moment?

Mr. FITZGERALD. Yes.

Mr. HENRY. Mr. Speaker, for the information of the gentleman from New York [Mr. FITZGERALD]—I could not catch quite



all of the colloquy—I want to say that it is true that the resolution has been pending before the Committee on Rules and that resolution has not been taken up; it has not been disposed of. It is still pending, and the chairman of the Committee on Rules has not refused to call the committee together. In his individual capacity he was making some preliminary investigation, and any member of that committee can make the same investigation that the chairman was endeavoring to make.

Mr. MADDEN. Mr. Speaker, will the gentleman yield to me?

Mr. HENRY. I am not through. Just one moment.

Mr. BUTLER. I want to ask the gentleman a question.

Mr. HENRY. There is no use in these gentlemen going off on a tangent about this matter. The gentleman from Kansas [Mr. CAMPBELL] can go and have the same conference that I had with the gentleman with whom I talked yesterday, Mr. Lawson, of Boston.

Mr. CAMPBELL. But the gentleman from Kansas does not seek the notoriety of an interview with the gentleman from Boston.

Mr. HENRY. Just a moment. The gentleman from Indiana [Mr. Wood] came and talked with me about this matter in my individual capacity and in his, and I say to this House that up to date neither the gentleman from Indiana [Mr. Wood] nor the gentleman from Boston, Mr. Lawson, has submitted anything that approaches information or a fact, not a name, not a date, or anything squinting at a case that they are trying to make out. I am still pursuing this investigation and trying to find out whether it is all claptrap or not.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. HENRY. Up to this time not a Member of this House on either side, if he knew the facts, would deign to trouble the members of the Committee on Rules to call them together for two minutes to consider the things that have been laid before the chairman of the Committee on Rules in his individual capacity.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Mr. Speaker, I wish to ask the gentleman a question.

Mr. HENRY. I yield.

Mr. MANN. Mr. Speaker, if that is the case, if the information before the gentleman from Texas would dispose of all the matter, why not call the committee together and make it public, so that we will all be satisfied?

Mr. HENRY. I have not decided yet what I am going to do.

Mr. MANN. We are trying to get the gentleman to decide now.

Mr. HENRY. Mr. Speaker, there is nothing that approaches any kind of a fact; it is all bosh and claptrap up to date, and I call on the gentleman from Indiana [Mr. Wood] to-day to give me one name, one date, one fact in regard to the things charged in his resolution.

Mr. MADDEN. Mr. Speaker, will the gentleman yield for a question?

Mr. HENRY. And I challenge him here, and he can not give a single one.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] has the floor.

Mr. FITZGERALD. Mr. Speaker, in view of the statements made regarding the action of the gentleman from Texas [Mr. HENRY], who is the chairman of the Committee on Rules, I think the House feels that it is only just that he should make this statement.

Mr. MADDEN. Mr. Speaker, I would like to ask the gentleman a question.

Mr. GARDNER. Mr. Speaker, there are several of us waiting for recognition. Is the gentleman from New York [Mr. FITZGERALD] trying to transfer his recognition?

The SPEAKER. The House will be in order. To whom does the gentleman from Texas [Mr. HENRY] yield?

Mr. HENRY. I do not yield for a moment. Mr. Speaker, as chairman of that committee I have not tried to suppress any investigation or any kind of a statement that any gentleman wants to come and lay before me as chairman. Mr. Lawson can go to every member of the Committee on Rules, and so can the gentleman from Indiana [Mr. Wood], and state what they think are the facts in their cases, and if any member of the Committee on Rules—

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. HENRY. Just one moment—if any member of the Committee on Rules, on the Democratic or the Republican side, will come and give me the name and the facts, I will call the committee together; but up to date there has been an absolute, dismal failure, and there has been nothing presented to me that would warrant me in calling the members together.

Mr. BENNET. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. HENRY. Mr. Speaker, I yield to the gentleman from Kansas.

Mr. CAMPBELL. Does not the gentleman from Texas have information that the Bostonian, Mr. Lawson, who called on him yesterday, said on his arrival in Washington that he would not give the information that he possessed to any member of the Committee on Rules, even to its chairman?

Mr. HENRY. Just to the contrary. In a three-hour conference with him I said, "Give me the names, the dates, and the facts, and I will call the committee together, or give me your word that you will furnish them to the full committee, and I will call them together"; but he said, "I can not do it."

Mr. CAMPBELL. Will the gentleman yield further?

Mr. HENRY. Yes.

Mr. CAMPBELL. Does not the gentleman from Texas know that Mr. Lawson stated on his departure for home yesterday evening that he had given information to the chairman of the Committee on Rules upon which any man of intelligence would act?

Mr. BUTLER. Published in the Washington Post this morning.

Mr. HENRY. For three hours I asked him to give me the names and the dates, or to give them to some other member of the Committee on Rules, and he could not give a single name, and then I said, "If I call this committee together, will you then give the names and dates?" He said, "I can not; but I can tell, though, how they can find out." [Laughter.] Let him give some name. Here is how he said we could find it out. He said, "If you will allow me to represent the committee and pay its expenses and investigate the Stock Exchange of New York, and go into a general investigation of the stock exchange, you can find out these things by looking at their records."

Mr. MADDEN. That is what you want, is it not?

Mr. HENRY. Ah, Mr. Speaker, these gentlemen know that Mr. Lawson has not given a single fact and that he can not give a single fact. I told him to go to the members of the committee; to go and confer with them as long as he pleased. I said the same thing to the gentleman from Indiana [Mr. Wood], and I say now, and I tell him, if he will send me the names and the facts, and if he can not bring them himself, to send them by any reputable Member of that side of the House—and they are all reputable—I will call the committee together to consider the matter.

Mr. MANN. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. MANN. Is the Speaker prepared to rule or is he now hearing arguments on the question of order?

Mr. FITZGERALD. I do not think that is a parliamentary inquiry.

Mr. MANN. It is a parliamentary inquiry.

The SPEAKER. The Chair has been ready to rule for the last half hour. [Cries of "Rule!" "Rule!"]

Mr. MADDEN. I would like to ask the gentleman from Texas—

Mr. MANN. Mr. Speaker, I shall make a point of order against anything except discussing the point of order.

The SPEAKER. That is what the Chair wants to hear. The matter has drifted off from the point of order.

Mr. HARDY. Mr. Speaker, I make the point of order, and ask for a ruling.

Mr. FITZGERALD. Mr. Speaker, I was discussing the point of order when interrupted by these extraneous matters.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] was discussing the point of order. Now, if the gentleman from New York wants to say anything more about the point of order the Chair will hear it.

Mr. FITZGERALD. I did wish to say some things about the point of order, and of course I could not. I yielded in good faith to the gentleman from Texas [Mr. HENRY], because matters had been discussed concerning which I thought he was entitled to make a statement.

If permitted, I desire to make clear my views as to the position of the House. I was arguing, Mr. Speaker, that under the rules the proper method was that there should be a preliminary inquiry by the Committee on Rules. In view of what the gentleman from Texas [Mr. HENRY] has said—and I say it in perfect good faith and sincerity—I desire to say that I believe his attitude is erroneous. The Committee on Rules ought to meet, and they ought to consider the resolution. This man, or any other man, who has been professing to have information that would show a corrupt or improper condition in this House, or such action on the part of its Members as is reprehensible, ought pub-



likely to be compelled to give the information or to admit that he is a liar. [Applause.]

Mr. HAMILTON of Michigan. Now you are right.

Mr. GARDNER. The gentleman says the Committee on Rules ought to investigate. Has not the chairman told us already what his opinion is?

Mr. FITZGERALD. If the gentleman will permit me, I was stating what I believe should be done.

I am the chairman of a committee, but I am not the committee. [Applause.] I know that the chairman of a committee can not prevent, or will not desire to prevent, that being done which should be done. This preliminary inquiry should be made by the Committee on Rules so that it may report to the House whether the information obtained is sufficient to initiate the proceeding. I would make Mr. Lawson come before that committee and either demonstrate that he has information that justifies the statements he has been making in the public press, or I would characterize him as the most notorious liar the country has produced. [Applause.] That ought to be done.

Mr. HENRY. Will the gentleman yield for a moment?

Mr. FITZGERALD. Yes.

Mr. HENRY. I want to say that I fully agree with the gentleman. I said I had not made up my mind.

Mr. FITZGERALD. I think the gentleman from Texas has been unfortunate in his statement that he would not call the Committee on Rules together to investigate these things until this man privately gave him certain assurances. [Applause.] I would not wait for any private assurances.

Mr. HENRY. I did not say that.

Mr. FITZGERALD. His statements have been made with a skill and a care that would have characterized the work of an expert in the rules of the House.

Mr. HENRY. The gentleman did not understand me. He arrived at the wrong conclusion about that.

Mr. FITZGERALD. The gentleman from Texas [Mr. HENRY]—I may be mistaken—made the statement that if the gentleman from Boston, or any Member of the House, or any other person, would give him information showing the names, dates, or facts that would make a foundation for these statements, he would call his committee together. There is enough now to justify the Committee on Rules in acting. There is not enough to justify the House initiating an independent investigation, but it may be that even those, like myself, who wish the matter conducted in an orderly and proper manner may be forced to have the House take action if the Committee on Rules refuses to do it. [Applause.] I do not wish to precipitate that situation, but I believe it is the duty of this committee to bring this man before it and to ascertain for the House—that is what it exists for—to ascertain for the House whether he has foundation for what he states, or whether he is just trying to make capital out of us.

That is why I am not anxious to be rushed into this investigation. I have confidence in the chairman of the Committee on Rules and in the Committee on Rules itself. I believe if it were to meet and send for and obtain—and the House will give it all the power it needs—the men who are indulging in the statements which have been discussed, we would then quickly determine whether or not it is necessary to initiate a comprehensive and widespread investigation. Such an investigation will take time. It will take money. It will prove a matter of great inconvenience to many persons. We ought to have something in the way of a preliminary investigation in order to determine whether we wish to start that investigation. [Applause and cries of "Rule!" "Rule!"]

Mr. GARDNER rose.

The SPEAKER. Does the gentleman from Massachusetts desire to discuss the point of order?

Mr. GARDNER. He does.

The SPEAKER. Hereafter these extraneous matters will all be shut out.

Mr. GARDNER. The Speaker will rule as he sees fit about that. There has been a good deal of extraneous matter that has been tolerated by those of us who believe this should be investigated by a special committee rather than by the Committee on Rules.

Mr. Speaker, the gentleman from New York [Mr. FITZGERALD] rests his case upon a certain ruling of Mr. Speaker Reed. In that ruling Mr. Speaker Reed said:

Here is a newspaper paragraph of the very vaguest character.

Is this charge of Lawson's of the very vaguest character? He says there has been a leak. It is not a matter of my saying there has been a leak. I know there has been a leak, and I state it without any hesitation. The whole stock market shows that there was a leak.

Mr. HENRY. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. GARDNER. Whether that leak was in the House of Representatives or not I do not know; but I am coming to another ruling, and the gentleman from Texas [Mr. HENRY] can get in on that.

The SPEAKER. The Chair would like to ask the gentleman from Massachusetts a question: Is not this statement of Lawson's more vague than the one that Speaker Reed was commenting on?

Mr. GARDNER. By no means. This Lawson statement says definitely that there will not be on hand on a certain occasion a quorum of Members of this House—a very plain statement, and the implication is very much clearer than in the statement upon which Mr. Speaker Reed was ruling.

But, Mr. Speaker, I have another parliamentary decision which has not yet had any attention called to it. I am not going to speak of it for just a moment, but as I see that the Clerk at the Speaker's desk wants the reference I will say it is in Hinds', Volume III, No. 2538. I am coming to it later.

Mr. Speaker, that single decision (Hinds, Vol. III, No. 2711) cited by the gentleman from New York referred to an obscure publication in an obscure paper. It was not a charge resounding through the whole country; but the whole country wide is talking about this Lawson matter, and the degree of publicity must be taken into account. We must consider that the good name of this House is involved. Also it is to be remembered that the House was very nearly divided on the question of overruling Speaker Reed in the case cited by the gentleman from New York. The vote was 95 to 71. Subsequently that decision of Mr. Speaker Reed's was practically overruled by Mr. Speaker CANNON. On July 4, 1906, Mr. THELUS W. SIMS, of Tennessee, claimed the floor for a question of privilege. I will read you the syllabus:

2705. A newspaper article charging Members of the House generally with abuse of the franking privilege was held to involve a question of privilege.

Mr. SIMS proposed this resolution:

*Resolved*, That the Committee on the Post Office and Post Roads be, and hereby is, instructed to investigate whether or not there are or have been abuses of the franking privilege by Members of Congress or in the name of Members of Congress.

Remember, Mr. Speaker, that this was solely on a newspaper report that this whole question of the abuse of the franking privilege was based. The Speaker, Mr. JOSEPH G. CANNON, of Illinois, said:

The Chair hardly thinks that the article presents a question of personal privilege. . . . The Chair will state to the House that the resolution is privileged.

Now, Mr. Speaker, it is very obvious that this presents a parallel case, except, Mr. Speaker, that there is an implication in Lawson's various statements that the leak did not come from here, but may have come from somewhere else. I know there was a leak somewhere, Mr. Speaker, and if I were on that committee of investigation I would summon the President of the United States, and I would ask him who were present when he discussed that matter, and I would ask each one of them whom they had told about that coming action of that note. I would find out which stenographer took the dictation, which typewriters transcribed it, and I would find out, Mr. Speaker, where that leak came from.

Now, the reason I bring in the question of the Executive is this: The decision to which I invite the Speaker's attention is No. 2538:

The statement by a Member that a certain thing "is rumored" is sufficient basis for raising a question of privilege.

An alleged corrupt combination between Members of the House and the Executive was investigated as a question of privilege.

There is in this case no corrupt combination between the Members of the House and the Executive, but there is a discussion involving the subordinates of the Executive. Now, let us see what Mr. Speaker Schuyler Colfax said in holding that resolution in order. His decision is found on page 1044, Volume II, of Hinds', about the middle of the page. Speaker Colfax said:

The Chair rules that this is unquestionably a question of privilege. The resolution states that it is rumored that certain Members of this House have been guilty of corrupt bargaining, acting in violation of their oaths, and that they have changed their views for corrupt motives. Although the resolution states that "it is rumored," still when a Member rises in his seat and states that it is so rumored—

As I do now—

and introduces a resolution for an inquiry into the facts introduced, he of course makes himself the responsible author of the charge. The Chair, therefore, decides that it is a question of privilege.

And it must be a question of privilege, Mr. Speaker. We can not have so tied ourselves up with our pettifoggish rules



that this House must strangle in its own parliamentary procedure. Neither ought we to evade adequate discussion upon a motion to refer. It is impossible to hold that this House has no way on earth as a matter of privilege to protect itself from such statements as that made by Lawsop.

Mr. GARRETT. Will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. GARRETT. Do I understand the gentleman to state that it is rumored on the floor of the House that Members of the House are involved?

Mr. GARDNER. Certainly not. What I say is this: Not only is it rumored, but it is so, that there was a leak, and the stock market showed it. Whether it was on the floor of this House or in the Executive, or where it was, I do not know. That is not a question of belief; that is not a question of rumor. I say it is so.

Mr. GARRETT. And does the gentleman mean to say, without being able to state, or even to intimate, that it came from the House, that it therefore involves a question of privilege, if it came from some other department?

Mr. GARDNER. It has been intimated, and almost said in so many words in the public press throughout the land, so that every man, woman, and child is discussing the House of Representatives to-day. I arrived here this morning, and I say that the gentleman has no conception of the way the people are aroused on this question. For us to evade an investigation is the greatest mistake that the Democratic or the Republican side of this House have made in the whole course of my service here.

Mr. BENNET. I will state to the gentleman from Tennessee what the rumor is. The rumor is that Mr. Bernard Baruch, a member of the Council of National Defense, was the man who was responsible for this information getting to Wall Street, and that 30 minutes before the President's message was made public he sold on a rising market, in Steel, by the way, 15,000 shares of Steel common stock. That is the rumor in New York City, if the gentleman wants names. [Applause.]

Mr. GARRETT. Mr. Speaker, that, of course, gives us information upon which we may be prepared to act; but that does not go to the question of the privileged character of this resolution.

Mr. STAFFORD. Mr. Speaker—

The SPEAKER. Before the gentleman from Wisconsin [Mr. STAFFORD] begins, the Chair will state to the gentleman from Massachusetts [Mr. GARDNER] that if he will bring in a resolution embodying the allegations, and do it upon his own responsibility, the Chair will hold his resolution privileged.

Mr. GARDNER. I will do it at once. [Applause.]

Mr. STAFFORD. Mr. Speaker, as it has been suggested by the Speaker that he would listen to the citation of the ruling of the present Speaker, I wish to call his attention to the latest ruling on this question, made by the present Speaker on July 2, 1913, on a resolution introduced by Representative SHERLEY in connection with the Mulhall charges. Curiously enough, that resolution was presented on Calendar Wednesday, and no point of order was raised that it was presented on Calendar Wednesday, but the only question raised was by the gentleman from Virginia, Judge Hay, that it was not privileged.

Now, what was that resolution? I hold that while specific names of Members were mentioned, it was virtually a charge casting reflections upon a great number of Members of the House. This resolution is of the same general character, because that resolution was bottomed upon an allegation made by a person who did not have anywhere near the standing of Thomas W. Lawson, but who was only a low lobbyist, Michael Martin Mulhall. Those charges were published in the New York World. The resolution was predicated upon that fact. It was as follows:

Whereas it appears that on the 29th day of June, 1913, there was published in the World, a newspaper of the city of New York, the following statement, viz:

"7. That among the men whom the lobbyists of this association"—

Meaning thereby the National Association of Manufacturers—"had no difficulty in reaching and influencing for business, political, or sympathetic reasons during recent years were"—

Why, Mr. Speaker, the resolution here alleges the fact that there would not be a quorum of either House and that there would be a shifting of bank accounts should an investigation be had, and it goes on further to allege that the good old Capitol has been wallowing in Wall Street leak graft.

The Speaker must consider these charges together, in fairness to the dignity and honor of this House. No one can read these charges together without coming to the conclusion that Mr. Thomas W. Lawson intended to cast a reflection upon the entire membership of the House by charging that they got the leak and that they were wallowing in Wall Street leak graft. Why, that

was not the charge of Michael Martin Mulhall. He only charged that they had no difficulty in reaching and influencing for business, political, or sympathetic reasons; but here is a particular charge that every one of us is implicated in wallowing in Wall Street graft. Now, what was the ruling of the Speaker? First, it was brought up by unanimous consent and was continued, as appears on page 2299 of the RECORD of July 2, 1913. While the unanimous-consent discussion was going on the Speaker said:

The Chair is inclined to think it is a question of the highest privilege.

But when pressed to a decision of the question, when objection was made by Mr. Hay, here is the ruling of the present Speaker, and it is the latest expression of the House on this point. It is true that the Chair can find precedents away back which did not give privilege to charges of this character, but if the Speaker will study the precedents he will find, as I recall them, that their drift has been to recognize such charges as presenting a question of privilege, and the Speaker ruled rightly in holding that that resolution, which cast reflection upon the membership of the House, was a question of privilege. Here is the Speaker's ruling, as found on page 2301 of the RECORD:

The Chair will state the whole matter. The gentleman from Kentucky [Mr. SHERLEY] withdraws his request for unanimous consent and presents his resolution as a privileged resolution. It undoubtedly is a privileged resolution. That is what the Chair noted in the beginning, without any investigation about it. But since the Chair has investigated it, and the precedents make it a question of privilege. It would be an astonishing thing, indeed, if charges that involve practically the whole House, more or less, should not be privileged, and the Chair entertains the resolution as a privileged resolution.

Why argue? This resolution is on all fours with that resolution and casts a reflection upon the whole membership of the House. I contend that if the Speaker adheres to that position he must hold this resolution in order.

The SPEAKER. Of course, each one of these matters that arise from time to time must stand on its own bottom. There are never any two of them exactly alike. In the case just cited by the gentleman from Wisconsin [Mr. STAFFORD] quite a number of Members of the House were specifically named in the matter complained of. In the ruling by Speaker CANNON as to the charge about the misuse of the franking privilege, it was just about as vague and as much of a blanket charge as this is. The gentleman from Massachusetts [Mr. GARDNER] assumes the responsibility. Speaker Reed reasoned very clearly, but each one of these cases stands by itself.

In this particular case Mr. Lawson charges by plainest implication that at least a majority of both the House and the Senate have been engaged in illegal and disgraceful speculation growing out of information they had no business to get in the first place, and if they did get it they had no moral right to act on it. The Chair thinks that this charge by Mr. Lawson is in derogation of the dignity of the House [applause], and therefore rules that this resolution is privileged.

Mr. HENRY rose.

The SPEAKER. The gentleman from Texas—

Mr. MANN. I submit, Mr. Speaker, that the gentleman from Indiana is entitled to recognition.

The SPEAKER. The Chair desires to ask the gentleman from Texas what he rose for.

Mr. HENRY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HENRY. I ask for recognition for the purpose of making a preferential motion to refer the resolution.

Mr. MANN. But the gentleman from Indiana is entitled to recognition.

Mr. HENRY. Mr. Speaker—

Mr. MANN. The gentleman from Texas is not recognized.

Mr. HENRY. Not by the gentleman from Illinois.

Mr. MANN. He is not recognized by the Speaker. The gentleman from Indiana introducing the resolution is entitled to recognition by the Chair. Whether somebody else is entitled to recognition to take him off his feet for the purpose of making a motion is not the question now before the Speaker. The gentleman from Indiana may himself desire to make a preferential motion. The introducer of the resolution is like a man in charge of a bill in the House and is entitled to first recognition from the Speaker, whether anybody else is entitled to recognition later for a preferential motion or not.

The SPEAKER. If the gentleman from Indiana will state that he wants to make a motion equal in dignity to that mentioned by the gentleman from Texas or higher, the Chair will recognize him.

Mr. WOOD of Indiana. I do so state, Mr. Speaker. I move that this resolution be referred to the Committee on Rules, with instructions to report in 10 days.



The SPEAKER. The question is on the motion of the gentleman from Indiana.

The question was taken, and the motion was agreed to.

Mr. GARRETT. Mr. Speaker, I desire to prefer a request in connection with the motion that has just passed the House. I am a member of the Committee on Rules—that is, sometimes. [Laughter.] I have been through many of these matters of investigation and have had occasion to deal with them as a member of the Committee on Rules, and have had occasion to deal with them as a member of special committees both under Republican and under Democratic administrations, and I wish to prefer a request for unanimous consent that in the consideration of this resolution the Committee on Rules shall have the power to send for persons and papers and to administer oaths.

Mr. MANN. I would like to suggest to the gentleman from Tennessee that it would be necessary to confer that power by the House, and it ought to be by a written resolution so that there will be no question in reference to the matter if it should come to a dernier resort. I think there would be no objection to that, and also providing for the payment out of the contingent fund of the House. That was not in the resolution introduced because that would have deprived it of its privilege.

Mr. GARRETT. Very well, Mr. Speaker, at a later hour in the afternoon I shall have prepared a resolution which I will submit.

#### STANDARDS OF CLASSIFICATION FOR COTTON.

The SPEAKER. This is Calendar Wednesday and the Clerk will call the committees.

When the Committee on Agriculture was called,

Mr. LEVER. Mr. Speaker, by direction of the Committee on Agriculture I call up the bill (H. R. 15913) to provide uniform standards of classification for cotton.

The House automatically resolved itself into Committee of the Whole House on the state of the Union, with Mr. Cox in the chair.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

Mr. BENNET. I object.

The Clerk read the bill, as follows:

A bill (H. R. 15913) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes.

Be it enacted, etc., That this act shall be known by the short title of the "United States cotton standards act."

Sec. 2. That the word "person" wherever used in this act shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations; the word "commerce" wherever used in this act shall be construed to mean commerce among the several States or in any Territory of the United States or in the District of Columbia, or between any such Territory and another Territory or a State, or between the District of Columbia and any State or Territory, or between any State, Territory, or the District of Columbia and any foreign country involving shipments or deliveries for shipment originating in the United States. When construing and enforcing the provisions of this act the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office, shall in every case also be deemed the act, omission, or failure of such association, partnership, or corporation, as well as that of the person.

Sec. 3. That the Secretary of Agriculture is authorized to investigate the ginning, wrapping, baling, sampling, weighing, handling, classifying according to grade and otherwise, compressing, tare, moisture content, certification, identification, warehousing, storage, transportation, marketing, and utilization of cotton and its products.

Sec. 4. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the "Official cotton standards of the United States," and to adopt, change, or replace the standard for any grade of cotton established under the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909 (35 Stat. L., p. 251), and acts supplementary thereto: *Provided*, That any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That no change or replacement of any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary; and he is authorized to make rules and regulations governing the use and condemnation of said practical forms.

Sec. 5. That whenever any standard for cotton shall have been established and promulgated under this act, no person thereafter shall ship or deliver for shipment in commerce, in contemplation or in pursuance

of a sale, offer for sale, or consignment for sale, by grade or other class, any cotton to which such standard is applicable, unless the grade or other class by which it is sold, offered for sale, or consigned for sale be of one of the grades or other classes established therefor in the official cotton standards of the United States and such cotton conforms to the standard established for the specified grade or other class: *Provided*, That reasonable variations from the official standards may be permitted under such rules and regulations as the Secretary of Agriculture shall prescribe. No person shall, in any contract or agreement of sale or agreement to sell or consign, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, such shipment or delivery for shipment of any such cotton in commerce, describe or in any way refer to any of such cotton as being of any grade or other class other than one of those established therefor in the official cotton standards of the United States.

Sec. 6. That no person shall ship, or deliver for shipment, in commerce any cotton in contemplation or in pursuance of any sale, offer for sale, or consignment for sale, whether by grade or other class, or in any other manner, under any name, description, or designation which is false or misleading in any particular: *Provided*, That nothing contained herein shall prevent the shipment or delivery for shipment, otherwise lawful, of any cotton which is sold, offered for sale, or consigned for sale, on sample or type, without reference to grade or other class, under any name, description, or designation which is not false or misleading.

Sec. 7. That the Secretary of Agriculture is authorized to cause examinations to be made of any cotton shipped or delivered for shipment in commerce in contemplation or in pursuance of any transaction in which such cotton shall have been represented, described, or certified to be of any grade or other class of the official cotton standards of the United States, or of any other description, name, or designation. Whenever, after opportunity for hearing is given to the owner or shipper of the cotton involved, it is determined by the Secretary of Agriculture that any such cotton has been incorrectly represented, described, or certified to be of any grade or other class of the official cotton standards of the United States, within the limitations of the authorized variations therefrom, or to be of any description, name, or designation which is false or misleading in any particular, he may publish his findings.

Sec. 8. That the Secretary of Agriculture may, upon presentation of satisfactory proof of competency, issue to any person a license to classify cotton according to grade or otherwise and to certify the grade or other class thereof, under such rules and regulations as the Secretary of Agriculture may prescribe. Any such license may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee for a hearing, that such licensee has failed to classify cotton correctly, in accordance with the official cotton standards of the United States, or has violated any provision of this act, or of the rules and regulations made hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing. Whenever the owner or person in possession of any cotton which has been classified, and its classification certified, by a classifier licensed under this act, is dissatisfied with such classification, he may, within a reasonable time, to be fixed in the rules and regulations of the Secretary of Agriculture, appeal therefrom to the Secretary of Agriculture. The Secretary of Agriculture is authorized to issue certificates, showing the true classification of the cotton involved in such appeals, signed by him, or in his name, by some officer or officers of the Department of Agriculture designated by him. For the purposes of sections 5 and 6 of this act, any cotton shall be deemed to conform to the grade or other class of the official cotton standards of the United States set forth in a certificate for such cotton, issued in compliance with this act and the rules and regulations prescribed hereunder, obtained and used in good faith, without fraud or collusion, and a statement that it is of such grade or other class shall not be deemed to be false or misleading.

Sec. 9. That whenever a dispute arises as to the classification of any cotton which has been sold, offered for sale, consigned for sale, delivered for transportation, or transported, in commerce, any party interested in such transaction may refer the question of the true classification of said cotton to the Secretary of Agriculture for determination. The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purpose of this section, and his findings, upon any dispute referred to him under this section, and his findings, the parties in interest have had an opportunity to be heard by him, or such officer, officers, agent, or agents of the Department of Agriculture as he may designate, shall be accepted in the courts of the United States in all suits between such parties or their privies, as prima facie evidence of the true classification of the cotton involved.

Sec. 10. That the Secretary of Agriculture may charge and cause to be collected such fees as he may deem proper for licenses and renewals thereof to classifiers of cotton, and shall fix, assess, and cause to be collected and paid, in such manner and in accordance with such rules and regulations as may be prescribed by him, reasonable amounts for all determinations made, appeals heard, and certificates issued, by him under this act. All money paid to the Secretary of Agriculture in accordance with the provisions of this act and the rules and regulations made hereunder shall be covered into the Treasury of the United States as miscellaneous receipts.

Sec. 11. That the Secretary of Agriculture shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

Sec. 12. That any person who, without written authority from the Secretary of Agriculture, shall receive, use, or have in his possession, any of the practical forms furnished by the Secretary of Agriculture under this act which do not bear the certificate provided therefor by this act, or who alters, tampers with, or in any respect changes any of the said practical forms certified as provided for by this act, or who uses any of such practical forms after they shall have been condemned by the Secretary of Agriculture, or who shall, with intent to deceive or defraud, make, receive, use, or have in his possession any simulate or counterfeit practical form or forms of any standard of any cotton established under this act, or who fails to comply with or violates any of the rules and regulations made by the Secretary of Agriculture governing the use of said forms, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 13 of this act.

Sec. 13. That every person who shall violate any provision of this act or of the rules and regulations made hereunder shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, be fined not exceeding \$200 or imprisoned not more than three months, or both, and for each succeeding offense shall be fined



not exceeding \$1,000 or imprisoned not more than six months, or both. After judgment by the court notice thereof shall be given by publication in such manner as the Secretary of Agriculture may prescribe.

SEC. 14. That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act, or the rules and regulations made hereunder, shall, upon conviction thereof, be fined not more than \$1,000, or be imprisoned not more than one year, or be punished by both such fine and imprisonment.

SEC. 15. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$50,000, available until expended, for the expense of carrying into effect the provisions of this act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere.

SEC. 16. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 17. That this act shall be effective immediately, except sections 5, 6, 7, 9, and 13, which shall become and be effective on and after September 1, 1916.

Mr. LEVER. Mr. Chairman, this is a bill to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes.

I desire to call the attention of the committee to a few of the facts connected with this bill, and to discuss very briefly the many purposes of the proposition.

It will be remembered that under the provisions of the cotton-futures act the Department of Agriculture was authorized to establish standards of grades of cotton. Those standards have now been established, and they are now being used compulsorily under the terms of the cotton-futures act in the settlement of disputes arising under that act.

Mr. BENNET. Mr. Chairman, would it interrupt the gentleman if I were to ask him a question at this point?

Mr. LEVER. I will yield to the gentleman in a moment. Voluntarily a great many of the spot-cotton exchanges, exchanges which do not deal in future trading whatever, have adopted the Government standards of cotton grades. There are, however, some spot exchanges which as yet have not adopted the grades. The purpose of this legislation is to compel, as far as possible, within reasonable limitations, the transaction of the business of buying and selling cotton upon the standards already fixed or proposed to be fixed in this bill. I now yield to the gentleman from New York for a question.

Mr. BENNET. Mr. Chairman, the bill to which the gentleman referred a moment ago as the bill in relation to futures was an act which was at one time declared unconstitutional by Judge Hough, and which was subsequently passed in this House as a rider upon the Agricultural appropriation bill, as I recall it.

Mr. LEVER. That is true.

Mr. BENNET. And it is now the law of the land.

Mr. LEVER. Yes. I will say to the gentleman from New York that the bill at present under consideration does not in any respect remotely or directly relate to the trade in cotton futures, but affects only spot-cotton transactions entering into interstate and foreign commerce. This bill, Mr. Chairman, is a companion measure to what is known as the grain-standards act which was passed at the last session of Congress as a rider upon the appropriation bill, and which passed this House by an almost unanimous vote and is now the law. If anything, the provisions of this bill are somewhat less drastic in their regulatory features than are the provisions of the grain-standards act, but the main purpose sought to be accomplished in the grain-standards act for the grain trade of the country is sought to be accomplished in this measure for the cotton industry of the country.

The matter of the standardization of transactions in farm products is becoming more and more recognized by economic students as a matter of very great importance in bringing to agricultural products their true value. The evidence of that is the recent action of Congress in passing the standard-barrel act and in fixing a standard basket for grapes. The whole tendency of economic thought at this time is in the direction of the standardization of agricultural products and of transactions in those products with a view to bring to the parties interested in such products the largest possible light with the ultimate end of securing the very best results to all concerned. The fundamental purpose of this bill is in that direction. I would call the committee's attention also to this fact, which is very important in connection with the consideration of the bill. About 66 per cent of the cotton of the United States under normal conditions goes into export and is consumed by the manufacturing establishments of foreign countries. The standards

upon which some of these foreign countries deal are supposed to be more or less disadvantageous to the producers of cotton, and there has been a feeling growing increasingly in this country that every opportunity should be made to get the world upon a universal standard basis for cotton. Many conferences engaged in by representatives of the cotton trade of this country, producers and manufacturers alike, and by manufacturers abroad have been held with the view of arriving at some universal standard upon which this great product can be handled. Section 11 of the cotton-futures act as reported to the House was intended to bring about such a universal standard. That section went out in conference with the Senate and is not a part of the law. We are attempting in this bill, as much as in anything else, to compel foreign establishments which buy our cotton to buy it upon a standard which we ourselves fix. I do not believe that there is a student of cotton, either producer or consumer, who will not admit that a universal standard for cotton would be beneficial to that great product, beneficial all along the line, from the standpoint of the producer as well as that of the consumer and the manufacturer of cotton. It has always seemed to me paradoxical, if not ludicrous, that this great Government of ours should permit the cotton grower of this country to be the victim of standards, upon which he sells his crop, fixed by foreigners who buy 66 per cent of the crop; and we are endeavoring in this bill to give to those interested in cotton in this country the right to say what the yardstick of measurement shall be for that which they sell in this country as well as in foreign countries.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. LEVER. Yes.

Mr. SLAYDEN. Mr. Chairman, I want to say, first, that I would be very glad indeed to have all of the countries of the world that manufacture, consume, or deal in cotton agree upon an arbitrary nomenclature of the corresponding qualities, but, of course, there are troubles that we would encounter when you undertake to do that. You can not class Egyptian cotton with ours, as the gentleman knows.

Mr. LEVER. Certainly; and in this bill we do not undertake to do so.

Mr. SLAYDEN. Is it not true that there has never been any practical difficulty in the cotton trade in arriving at a proper understanding of the classes of cotton when the Liverpool classification is known?

Mr. LEVER. I will say in answer to the gentleman from Texas that while the difference in the Liverpool standards as compared with those which we have already fixed in this country apparently are not very great, yet when this country endeavored to induce the Liverpool exchanges to adopt our standards of grades two years ago, for some reason or other unknown to me they absolutely refused to do it. I have, however, hoped that voluntarily universal standards would come in the course of time, and a new future exchange being organized at Rotterdam at this time, although not actively engaged in operations on account of the war conditions, if my recollection is correct, will adopt the Government standards of grades, and very nearly adopt the contract provided for in the futures act.

Mr. SLAYDEN. Does not my friend from South Carolina believe that that attitude of the Liverpool cotton trade, the English cotton trade, Manchester included, is largely due to that peculiar racial quality of the British which has caused them to refuse to make changes of any sort?

Mr. LEVER. I do.

Mr. SLAYDEN. They adhere to pounds, shillings, and pence, which we think absurdly illogical, and their weights are perhaps more illogical than ours, too.

Mr. LEVER. I think the gentleman has put his finger upon the difficulty. It is a commercial instinct, as it were, a commercial characteristic, if you want to call it that, that makes the Briton reluctant to give up that which he has done for generations.

Mr. SLAYDEN. That is right; and it is a good quality, too, in politics.

Mr. LEVER. But if we can accelerate our British cousins into adopting our standard of doing business, we will do it, and that is what we are undertaking to do as one of the objects of this bill.

Now, another purpose of this legislation—

Mr. BENNET. Before the gentleman takes up another point—

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from New York?

Mr. LEVER. For a question.

Mr. BENNET. What does section 4 of this bill do?



Mr. LEVER. I wonder if the gentleman would not prefer that I would discuss that under the five-minute rule? I was going to make a brief general statement now.

Mr. BENNET. I want to say to the gentleman in all frankness that I propose, if no member of the committee exercises his right of taking the hour, to ask for that right, and it might shorten the time if the gentleman would answer my question.

Mr. LEVER. I would ask the gentleman what section he refers to?

Mr. BENNET. Section 4.

Mr. LEVER. The gentleman desires to know what that proposes to do?

Mr. BENNET. What does it propose to do that the act which it refers to does not propose to do? I can not see that it confers any power on the Secretary of Agriculture that he has not already.

Mr. LEVER. The act in section 4, I think, is identical with the language of the cotton-futures act. But we could not tell what action the courts might take upon the cotton-futures act, and we desired to have permanent legislation that was certain in its constitutionality, giving the Secretary of Agriculture authority to fix these standard grades of cotton, and, therefore, we have repeated that in this bill.

Mr. BENNET. The gentleman did not comprehend my question.

Mr. LEVER. I beg the gentleman's pardon.

Mr. BENNET. The act as cited on page 3 of House bill 15913 is the appropriation bill for the fiscal year ended June 30, 1909, and that seems to give the Secretary of Agriculture in detail the power to establish nine grades of cotton, and so forth, and my question was, What does this act do that the act of the Thirty-fifth Statutes at Large, page 251, does not do?

Mr. LEVER. The gentleman will understand, of course, that that authority was given upon an appropriation bill in 1909. We afterwards, in the cotton-futures act, undertook to make permanent that legislation referred to in this section. Now, in order to be doubly sure we are including it in this bill in the identical language, I think, of the cotton-futures act, not the act which the gentleman has before him. Does that answer the gentleman's question?

Mr. BENNET. That answers it perfectly. The gentleman's idea is that possibly this appropriation bill is permanent law and possibly it is not?

Mr. LEVER. Possibly it is not.

Mr. BENNET. And therefore, for better security, he is giving substantially the same power to the Secretary of Agriculture which that act gave?

Mr. LEVER. And possibly the cotton-futures act is unconstitutional and possibly it is not. Certainly this bill is constitutional, and we are taking no chances on it.

Mr. SLAYDEN. May I ask the gentleman from South Carolina why this grant of power to the Secretary of Agriculture in section 3, to go into South Carolina and small communities and investigate the ginning, wrapping, baling, sampling, weighing, handling, classifying, and so forth, and transportation and marketing?

Mr. LEVER. I will say to the gentleman from Texas that that language has been carried in the agricultural appropriation bill for many years, probably 10 or more, and this is transferring it here and giving the Secretary permanent authority to do it.

Mr. SLAYDEN. Of what value is it if it has been in the act for 10 years?

Mr. LEVER. We think the matter of ginning, wrapping, baling, sampling, weighing, handling, classifying according to grade and otherwise, compressing, tare, moisture content, certification, identification, warehousing, storage, transportation, marketing, and utilization of cotton and its products constitutes a matter which is worthy of the very careful consideration of the Department of Agriculture, worthy of investigation with a view to determine probably better methods of ginning, probably less wasteful methods of wrapping, less wasteful methods of sampling; and the gentleman knows there is a large waste in sampling and things of that kind.

Mr. SLAYDEN. Oh, yes; but the gentleman knows very well that the employees of the Government do not know as much as people engaged in the trade about those things. They are young men who have been hired to take these places with the Government because they have not been able to do better outside.

Mr. LEVER. I will say to the gentleman in that connection that is a statement often made upon the floor of the House and is more or less true. I recognize the truth of it, and yet we have had a very serious difficulty in the Bureau of Markets this year in the fact that great cotton firms have taken the

young men we have just been training for two years—one, I recall, at a salary of \$12,000—by one of the biggest cotton firms of the United States.

Mr. SLAYDEN. To do what?

Mr. LEVER. To help handle the big business of that cotton firm that is a century old.

Mr. SLAYDEN. Yes; but he must have handled the part of it that meant trade, not the classing of cotton.

Mr. LEVER. He got his training as a cotton dealer.

Mr. SLAYDEN. Many of the most successful cotton dealers in the world have obtained their training in the same way. At one time I had in my office when I was in the cotton business a negro who was the best cotton classifier I ever saw. He could have gone on the Liverpool or New York Cotton Exchange. He could have classed thousands of bales of cotton better than the most highly trained man which they had. But that is not a high order of talent.

Mr. LEVER. I will say to the gentleman that, of course, the Department of Agriculture in its activities ramifies into almost every line of agriculture, of whatever character.

Mr. SLAYDEN. That is exactly what I was asking about.

Mr. LEVER. And we are doing no more in this bill for cotton than is now being done for grain and hemp and things of that kind.

Mr. SLAYDEN. It is just exactly what I was asking about, because I do not quite sympathize with the idea of an agent or an inspector of the Government coming around and poking his nose into everybody's business.

Mr. LEVER. It is for the purpose of developing economic truth and not for the purpose of interfering with the trade at all.

Mr. SLAYDEN. In the course of my business I have seen a good many of them, and I will say to the gentleman from South Carolina that I do not think any of them ever made any valuable suggestions.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Arkansas?

Mr. LEVER. Certainly.

Mr. CARAWAY. In section 3, to which the gentleman from Texas [Mr. SLAYDEN] has been calling attention, you authorize the Secretary of Agriculture "to investigate the ginning, wrapping, baling, sampling, weighing, handling, classifying according to grade and otherwise, compressing, tare, moisture content, certification, identification, warehousing, storage, transportation, marketing, and utilization of cotton and its products."

Now, a section later on provides heavy penalties and fines against anyone who interferes with or obstructs any agent of the department in performing any of the duties that may be conferred in this act. Does the gentleman understand that if any agent of the department should go to a man, a ginner in my State, for instance, and want to see how he was ginning or wrapping his cotton, he would have the right to do it whether the ginner wanted him to enter the gin or not?

Mr. LEVER. I do not think an employee of the Department of Agriculture would have authority to interfere with any of the constitutional rights of a citizen of this country.

Mr. CARAWAY. Then, why undertake to confer upon him that right and prescribe a penalty for a citizen resisting that right when the gentleman knows that he has no right?

Mr. LEVER. We do not think we do.

Mr. CARAWAY. Does not the gentleman think that section 3 does that?

Mr. LEVER. I do not think that any Secretary would undertake to punish an individual because he did not let him or one of his agents go into his ginhouse and look into the way things were going. I think this is a matter that will be worked out between the employee of the department and the proprietor of the concern.

Mr. CARAWAY. Section 13 provides—

That every person who shall violate any provision of this act or of the rules and regulations made hereunder shall be deemed guilty of a misdemeanor—

And so on. Section 14 provides—

That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act, or the rules and regulations made hereunder, shall, upon conviction thereof, be fined not more than \$1,000, or be imprisoned not more than one year, or be punished by both such fine and imprisonment.

Under the plain provisions of the bill is it not true that if a man who was operating a gin in Texas and some agent of the department came down there and wanted to stop him in the method of wrapping his cotton or ginning it, or any other act in connection with the operation of his gin, would he not be subject under the provisions of the bill to the penalties prescribed in section 14?



Mr. SLAYDEN. And would he not be taken to the United States court for punishment?

Mr. LEVER. I think it would depend upon the individual case. I do not think that any Secretary of Agriculture would be so foolish as to undertake any such proceeding.

Mr. CARAWAY. The citizens should not have to enjoy their liberty merely at the sufferance of the Secretary of Agriculture. Do you not think it unwise to write into a bill an authorization empowering the Secretary of Agriculture to interfere with a citizen in the exercise of his own plain, inherent, and constitutional rights?

Mr. LEVER. What we are trying to do here is to protect the employees of the Department of Agriculture who are doing the real work proposed in this bill, as will be found in sections 5 and 6 and probably in section 7 of the act.

Mr. SLAYDEN. If one is assaulted in the prosecution of his duty?

Mr. LEVER. If the gentleman thinks this is too broad an authority to be conferred, and has an amendment that he can work out, I will be glad to cooperate with him.

Mr. CARAWAY. It just strikes me that section 3 is no part of the bill. It has nothing to do with what the act itself intends to accomplish. But it is an unwarranted interference on the part of the Secretary of Agriculture with the private conduct of a business in a State, and therefore it seems to me that there are unlimited possibilities of disputes arising.

Mr. LEVER. I will say to the gentleman from Arkansas that section 3 is intended to furnish the Secretary of Agriculture with the authority to get the scientific fundamental principles by an investigation and study upon which we can fix the grades and classification and things of that kind, and also to give to the people the benefit of a thorough study, for instance, of warehousing.

Mr. COLLIER. Mr. Chairman, will the gentleman yield for a moment?

Mr. LEVER. I will be glad to.

Mr. COLLIER. This only gives the Secretary of Agriculture authority to investigate it. It does not give him authority to have any sort or kind or character of control over it?

Mr. LEVER. None whatever.

Mr. CARAWAY. Will the gentleman yield for a moment?

Mr. LEVER. Yes.

Mr. CARAWAY. Section 14 says that if any citizen shall resist any agent of the department in trying to perform any of the duties prescribed in this act he shall be deemed guilty of a misdemeanor. One of the duties is to go into the gin and see how you gin it.

Mr. LEVER. If the gentleman will permit, the gentleman's point is this, that the penal section of this bill might make it possible to prosecute a man who did not desire that an agent of the department on an errand of investigation for truth should come into his ginhouse. It might make it possible to prosecute that man and make him liable to the penal provisions of this act. It is not the intention of the committee that that should be done. If the gentleman will prepare an amendment to cure that danger I shall be very glad, so far as I am concerned, to consider it when we reach the consideration of the bill under the five-minute rule.

Mr. COLLIER. I think there should be some such amendment as that.

Mr. LEVER. Now, Mr. Chairman, just one other thought in connection with this bill, and then I shall have concluded my general statement:

One of the most important things in the handling of cotton is the matter of correctly grading it. I have always thought there were about three classes of cotton graders. One may be described as the grader who is thoroughly competent, who knows how to grade, and who does grade honestly. The second class, constituting I am happy to think a very, very small per cent, is the competent grader who for some reason or other does not honestly grade. The third class, and the one most affecting the farmer because they constitute a very large per cent, are those who do not themselves know what cotton grades are, or the differences in cotton grades, except as shown by price and color. Now, the farmer is the man who suffers first of all by the dishonest cotton grader. He is the man who suffers likewise from the incompetent cotton grader, and we are proposing in this bill, as nearly as we can under our peculiar form of government, to furnish to the cotton producer of this country a competent grader, an honest grader, and an impartial grader, so that the farmer may have the benefit of competency, honesty, and impartiality in parting with his product. We undertake to accomplish that through certain sections of this bill, notably sections 8 and 9.

We provide that the Secretary of Agriculture may issue licenses to graders to classify cotton, and that any individual

who feels that his cotton has not been properly classified shall have the right on his own initiative to appeal from the decision of the licensed grader to a board who, I take it, under the practical working out of this bill, will be composed of experts, or more expert graders appointed by the Secretary of Agriculture, and the findings of that board of expert classifiers as to the true grade or class of that cotton would be prima facie evidence in the Federal courts of the true grade or class of that cotton. We are endeavoring, as nearly as we can, to furnish to the producer of cotton an umpire who will give him the benefit of knowing the value and the grade of that which he produces. Some few weeks ago I saw a statement issued by the Department of Agriculture to the effect that the farmers of this country, through a lack of knowledge of the grades of their cotton, were losing \$7,500,000 a year. That is an exceedingly conservative estimate of their loss. My own judgment, based upon some knowledge of cotton, some knowledge of the men who produce cotton, and some knowledge of the methods by which cotton is sold—my own judgment is that the farmers of this country are suffering an annual loss through a failure to grade their cotton properly amounting to from \$25,000,000 to \$30,000,000, and that, in my opinion, is a conservative estimate of their loss. We are trying in this bill to standardize the method of handling this great product. We are endeavoring, if we can, to force the world, the users of cotton in both foreign and domestic markets, to handle that product upon a standard fixed for them by an impartial governmental tribunal. That is the purpose of this legislation.

I shall be glad, as the bill is read under the five-minute rule, to undertake to answer questions as to the details of the bill, and I reserve the balance of my time.

Mr. BENNET. Mr. Chairman—

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. BENNET. Yes.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BENNET. Mr. Chairman, this, I think, is a well-meant attempt to establish American standards for one of our most important commodities. There is no cotton grown in the State which I represent in part. Sometimes we from New York State have been criticized because when matters affecting our State were before the House we were absent. I want to call attention to the contrast. This is a question which affects the cotton States, and I want to call the attention of the House to the full attendance on that side of the House while this matter affecting the cotton States is being discussed.

It seems to me that the gentleman from South Carolina is going to fail in his attempt to establish an American system of standards by this bill, and that is because of some of the provisions in the bill itself.

What is a standard? It is something that is definite and certain. Now, when I was down in Jacksonville some years ago they showed me standards of resin, not established by the Government, but established by trade and custom, and they told me that those standards were known all over the world, and that by the use of those little cubes a man in Paris, or in Petrograd, or anywhere else, could buy resin, and that he was entitled to have delivered to him resin of the standard determined by a particular cube, and that by the mere mention of a number as applied to resin every man who dealt in resin anywhere in the world would know what that resin was. That is what you have got to do in any world trade. If the gentleman from South Carolina [Mr. LEVER] and his committee are purposing to make a world standard in connection with cotton, they have utterly and signally failed. There are two provisions in this bill that destroy all possibility of erecting standards in competition with the British standards. And before I go into that question I want to say parenthetically that that is what has given Great Britain her preeminence in these matters, that when Great Britain establishes a standard it is established, and it is known and it is adhered to.

Mr. SLAYDEN. The trade establishes the standard, and the British Government adopts that standard which has been established by the trade.

Mr. BENNET. Exactly, and the British Government has the good common sense to establish as its standards the grades and standards which trade and custom have established. I do not deny that sometimes possibly they stick to them too long, and that sometimes they carry forms over that mean nothing any more. Take their great business of shipping in which they lead the world. Take the insurance contracts in connection with ships and cargoes. There are words and phrases in those contracts that have been obsolete for 300 years. I will admit that; but no necessary, essential thing in the British grades or stand-



ards has been changed. We propose to establish a world standard for our products, and I sympathize with that effort.

Mr. LEVER. I am interested in the gentleman's statement that he does not have the power to do it.

Mr. BENNET. I did not say that. I say we do have the power.

Mr. LEVER. It seems to me we have it in this bill, and that of necessity they have to use our standards or else they can not get our cotton goods.

Mr. BENNET. That is what I propose to show to the gentleman, that his bill defeats itself. Here the gentleman in two different paragraphs of his bill destroys the certainty that is necessary for the standard grades. The constituency which I represent in part has an interest in that. This bill, as the gentleman informs the House, deals only with spot cotton and not with futures. I have no doubt that the cotton exchange in my State deals in spot cotton. I do not know whether it has voluntarily come under the standards that the Department of Agriculture fixed or not.

Mr. LEVER. Oh, yes.

Mr. BENNET. Then it has a greater interest in this bill.

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. DAVIS of Texas. Does not the gentleman know or understand that if the southern cotton raisers could have a real, legitimate, honest grade there would be very little conflict between the honest grade here and the standard British grade? That is what we want, to keep the standard grade and to keep the interlopers and trimmers between us and the mill from killing the cotton planter.

Mr. BENNET. That is my contention, to see that the grade is not an artificial thing, but one fixed by trade and custom. Now, I would like to ask the gentleman from Texas, because I presume he knows about cotton and I do not. In the act of 1909 this House authorized the Secretary of Agriculture to establish nine grades of cotton. I suppose those names of the grade mean something to the gentleman from Texas, although they mean very little to me. Has the Department of Agriculture since that time used its power to establish the grades known to the trade and established by the trade, or have they established arbitrary grades?

Mr. DAVIS of Texas. I will say that I think the purpose of this very measure is to cure that defect and put into action, beginning at the bottom, the honest grades and carry it clear through.

Mr. BENNET. Then that is a third defect in the bill, because nowhere in the bill, so far as I can read it, is any greater power conferred on the Secretary of Agriculture than was conferred by the act of 1909.

Mr. LEVER. The only power there conferred was the power to establish standard of grades, but the gentleman would not contend that there is no additional power conferred in this bill.

Mr. BENNET. Oh, no; I mean in respect to that; but the basic defect in this bill lies in the fact that with the commendable purpose in view, with which I sympathize, to establish in America for an American product an American standard, the gentleman's bill, it seems to me, defeats its own purpose.

Mr. LEVER. The gentleman's complaint is that in section 4, the first and second provisos, the Secretary is given authority to change these standards under certain conditions.

Mr. BENNET. That is my first point.

Mr. LEVER. I will say to the gentleman that if it will help him get right on this proposition that this language, as I said before, is identical with the language in the cotton-futures act. The cotton-futures act was framed after long and interesting hearings before the Committee on Agriculture, before which the gentleman's constituents came, and I do not think that any witness who came before that committee, either in favor of or against the bill, made any objection to the proviso to which the gentleman has called attention; but, on the contrary, my recollection is that it was pretty universally agreed that a standard ought not to be changed without a reasonable notice being given, but that no one was willing to arbitrarily fix a standard saying that the horse was 40 feet high and then stick to it when it afterwards developed that the standard had not been fixed in the most scientific manner.

I will say to the gentleman there is very small probability of this power being exercised, except as the experts of the Department of Agriculture increase in their knowledge of the factors that go to make up grade values. For instance, the general impression is that the word "grade" in cotton means a great deal more than it does. A grade in cotton means only leaf and trash. It is not controlled by color, even.

Mr. SLAYDEN. I beg the gentleman's pardon, but the gentleman is using language that may not be understood by the gentleman from New York.

Mr. LEVER. I will allow the gentleman to help enlighten the gentleman.

Mr. SLAYDEN. I will say to the gentleman from New York that there is a grade in cotton, and always has been, of middling, which is what the name itself suggests. If you buy a thousand bales for future delivery in the New York market, it is based on middling, and if any cotton of another grade is delivered, the man receiving it will pay an additional value for such grades as are above middling and be credited with such cotton as is below middling. Now, any man who has 60 days' experience in the cotton trade knows what middling is. I believe there are 40,000 men in Texas who can tell middling cotton, strict middling, low middling, and so forth. It is determined by the appearance of the cotton. Now, middling cotton may be worth 10 cents or 20 cents a pound, depending on the length and strength of the staple.

Mr. BENNET. I made a statement a short time ago about the grades of rosin, which I believe to be correct. Was it correct?

Mr. SLAYDEN. I do not know anything about rosin.

Mr. LEVER. I did not hear the gentleman's whole statement, as I was engaged at the moment.

Mr. BENNET. I made a statement awhile ago as to the way that standards in rosin are made. Was that substantially correct?

Mr. LEVER. Yes; the Department of Agriculture, under a provision in an appropriation bill, has standardized types of rosin and the trade has about universally accepted those standards.

Mr. SLAYDEN. It is not the Department of Agriculture, it is what the trade had already done in the way of grading, and properly accepted by the department.

Mr. LEVER. I am not sure about that. I know that they have come to some sort of an agreement which is satisfactory to the department. The same thing has taken place in reference to the grade of cotton. The Department of Agriculture did not go out and collect a lot of schoolboys and ask them to come in and standardize the grades of cotton. On the contrary, the Department of Agriculture with respect to the standards of cotton, as well as of grain, has gone to the trade, and in both products the widest latitude in the way of suggestion has been allowed and sought, and in many instances the better practices of the trade have been written into these standards.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. SLAYDEN. Did not the Department of Agriculture accept the grades of the trade, practically?

Mr. LEVER. The trade was consulted.

Mr. SLAYDEN. I know intimately, and had known him for many years, a gentleman in the cotton trade, who was one of the people brought up here from Texas to fix these types.

Mr. BENNET. That is the word—"types."

Mr. SLAYDEN. I asked him what he was doing, and he said he was going to prepare some cotton types as a guide or standard for other types. I asked him how they differed from that of the trade, and he said in no respect, that each type represented the well known and thoroughly established classes, grades, or types—these words are virtually the same in speaking of cotton—of the trade.

Mr. LEVER. Mr. Chairman, as a matter of fact, these grades have been fixed by the best expert opinion in and out of the trade that can be had in the country and are satisfactory to the trade and are now almost in universal use in this country.

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. SHERWOOD. I see by the bill that certain fees are to be collected, which are to be certified into the Treasury, indicating that the bill will be self-sustaining. If that be true, why is it necessary that this appropriation of \$50,000 shall be carried in the bill in order to carry the act into effect?

Mr. BENNET. On what page of the bill is that?

Mr. SHERWOOD. It is provided that fees shall be certified into the Treasury.

Mr. BENNET. I will ask the gentleman from South Carolina [Mr. LEVER] if he will answer that question? The gentleman from Ohio [Mr. SHERWOOD] says that the bill provides that fees shall be collected, and that that seems to indicate that the law is to be self-sustaining. If that is so, what is the necessity for the appropriation carried in the bill?

Mr. LEVER. Mr. Chairman, we do not expect that the fees collected in this bill will be sufficient to administer the act. The fee will be really a nominal fee, rather than an actual fee.



Mr. SHERWOOD. There is no specification here as to what these fees shall be or what the salaries of the inspectors are to be. Should they not be fixed in the bill?

Mr. LEVER. We think not. I will say to the gentleman that we feel that the custom of the trade will fix the fee for grading, as, for instance, in the matter of the weighing of cotton in the South. The custom in any State will control as to the amount that will be charged for the weighing, 5 or 10 cents a bale, and the fees for grading will be fixed in the same way.

Mr. SHERWOOD. Will it be the purpose of the bill and the intention that the \$50,000 appropriated shall be reimbursed to the Treasury afterwards in the collection of fees?

Mr. LEVER. No; the fees would go into the Treasury as miscellaneous receipts, and we would have to appropriate from year to year, as we always do, a sufficient amount to administer the act, but the fees themselves under the terms of the act would go into the Treasury as miscellaneous receipts.

Mr. BENNET. Mr. Chairman, I would like now to ask the gentleman from South Carolina [Mr. LEVER] a question. He has been very kind in his explanation. I thought I understood him to say during his remarks that for some reason the Liverpool exchanges had not accepted our grades and standards of cotton?

Mr. LEVER. If I did not say all of this, I will say it now. This country made a very strong effort immediately after the passage of the cotton-futures act to have all foreign exchanges adopt both the contracts fixed by the cotton-futures act and the standard of grades as fixed by the Department of Agriculture under the act to which the gentleman has been referring. We sent our special representative over there from the Department of Agriculture. It looked for many weeks as though we were going to succeed in inducing the Liverpool exchange to accept our contract and our standard of grades. All of a sudden, for some reason unknown to me, probably for the reason suggested by the gentleman from Texas [Mr. SLAYDEN], namely, the racial characteristics of the Briton, they did not accept either our standard of grades nor our contract. We then thought for a while that the Bremen exchange would undoubtedly accept both propositions and therefore open itself up to free trading between the membership of its exchange and the membership of ours. About that time the war broke out in Europe and a little later the act was declared unconstitutional, so that we have been in that condition since that time.

But in the meantime, within the past six months, a new exchange has been organized at Rotterdam, and I understand that that exchange intends, when it opens for business, to bring itself within the provisions of the cotton-futures act, which means that it would have to accept in a reasonable way the provisions of the cotton-futures act and our standard. This bill, however, is intended, as it concerns the adoption of the standard, to accelerate foreign nations in accepting our standards.

Mr. SLAYDEN. Without reference to future dealings?

Mr. LEVER. Without any reference to future dealings whatever.

Mr. SHERWOOD. I would like to ask a question. This inspection applies to cotton whether sold abroad or sold on the spot, does it not?

Mr. LEVER. This bill applies to cotton that is going into interstate or foreign commerce, but it does not apply to cotton coming into this country. It applies to cotton going out of the country.

Mr. SHERWOOD. But does not apply to cotton sold on the spot to a citizen of the State?

Mr. LEVER. Oh, no. It applies only to interstate transactions.

Mr. FESS. Will the gentleman allow me to ask a question?

Mr. BENNET. I yield to the gentleman.

Mr. FESS. Some of us were confused by the observation of the gentleman from Texas made to the gentleman from New York, where he referred to a middling, and stated as a grade it would be middling, and it might be worth 10 cents or 20 cents owing to the length of fiber. That is confusing to me. What is the grade?

Mr. SLAYDEN. The grade is based on the appearance of the cotton. The middling type will show a certain grade. You may have cotton which is grown down in the Mississippi Valley around Natchez, like the Peeler or the Allen cotton, or any other variety cultivated with the view of a longer fiber, that would have a staple  $1\frac{1}{4}$  inches long. It would look precisely like the upland cotton which has a short staple, but it would be worth more money.

Mr. FESS. Are they of the same class?

Mr. SLAYDEN. Of the same class.

Mr. FESS. Is it sold as the same grade?

Mr. SLAYDEN. Yes; but it is also sold with reference to the length of fiber. Appearance only fixes the grade.

Mr. FESS. That is rather confusing.

Mr. SLAYDEN. No; it is not. For example, when I was in the cotton trade I sold a good deal of cotton to my New England friends, and when I guaranteed the length of the cotton as  $1\frac{1}{4}$  inches, I got more for it than I could for  $\frac{3}{4}$ -inch cotton. I got an advanced price for it, although of the same class or grade as that for which I received less.

Mr. FESS. And grade is simply appearance?

Mr. SLAYDEN. Practically it is appearance.

Mr. HEFLIN. If the gentleman will permit me, I will say that the cotton like the Egyptian cotton sold, if my recollection is right, last fall for 35 cents a pound, when the short-staple variety was selling for  $13\frac{1}{2}$  cents a pound.

Mr. FESS. You say the same grade of cotton, and that is what confuses me.

Mr. HEFLIN. I mean the cleanliness of the cotton.

Mr. LEVER. If the gentleman will permit me—

Mr. BENNET. I yield to the gentleman.

Mr. LEVER. I will say to the gentleman from Ohio that grade in cotton means the amount of trash, the amount of leaf, and to an extent the character of the color in the cotton, but the value of cotton is not only fixed by the amount of trash and leaf and the kind of color it has, but it is likewise fixed by the length of its staple, by the tensile strength of that staple, whether or not that cotton is what we call gin-cut; that is, by the gin running too fast it has cut the staple, and therefore lowered its value. It depends somewhat on the amount of sand in it. It depends to an extent on whether or not the cotton has been water packed; that is, whether or not in packing the cotton water has been added to give it weight; and various other things that up to this time have not been standardized by the department, and some of them, I am afraid, can not be standardized so that they can be visualized to the individual. What we have standardized so far, I will say to the gentleman, are color and trash. Does that make it plain?

Mr. FESS. I think it does. Where I am confused is, where a law is to protect the public it seems to me the value of it would be determined in the price of it, and the grade would certainly be high or minimum, and so on. But if it is simply a matter of appearance and not quality, I am not so much interested in the bill as I was.

Mr. LEVER. The gentleman will understand that authority is given here in section 4 to the Secretary to establish and promulgate standards of cotton by which its value and quality may be judged, including its grade, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form. We are giving the authority here. But up to this time we have not been able to set out in any practical form, so that the eye can see it, the length of staple in the bale of cotton, which is an important factor in fixing value, but we hope they will develop some instrument by which they can easily determine it in the hands of men in the market.

Mr. FESS. I thought that element was in the bill and was the main feature.

Mr. LEVER. That element is in the bill.

Mr. DAVIS of Texas. In order that our friends from other States that do not raise cotton may understand the merit or gravamen of this measure, we will say that middling cotton is the best for all our trade. If that middling cotton is cleaned and oiled and has not been exposed to water, and the oil is still there, and the fiber is smooth, it is good middling or strict middling. If it is full of trash or sand or has been defectively ginned, it is a grade lower, a low middling. That is the difference. Now, the whole object, in view of this measure, and I have tried to carefully consider it, is to begin down here and protect the real grading of the cotton from, as I said before, interlopers, whether intentionally or otherwise, who misgrade the cotton, because where it goes to the mills it has to be up to standard. Hence the farmer must sustain most of the loss, and it is for the purpose more of making an honest grade and carrying that through from beginning to end than it is otherwise.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. BENNET. I yield to the gentleman from Illinois.

Mr. MADDEN. I just wanted to ask the gentleman from Texas a question.

Mr. BENNET. In my time?

Mr. MADDEN. Yes.

Mr. BENNET. Very well.



Mr. MADDEN. Will it ever be possible for the Department of Agriculture to ascertain just exactly what a grade of cotton is, inside the bale? That is the point.

Mr. DAVIS of Texas. There are augers by which you can go plumb into the bale after it is ginned, and most of the States have laws regulating the method by which it shall be ginned. At the close of the ginning season I may have 500 pounds of cotton and my neighbor may have 100 pounds, and another neighbor a certain amount, and it takes it all to make a bale. Cotton of that kind is called "club bales" in some States, and in some States it is known as "dog-tail bales." That cotton is classified on the basis of the lowest grade of cotton in the bale. The ginner has to get the consent of all these different people to put their remnants into one bale, because otherwise the cotton could not be baled.

Mr. FESS. Let me ask the gentleman one question.

Mr. DAVIS of Texas. Certainly.

Mr. FESS. Suppose a purchaser buys a thousand bales of middling cotton. What does he get?

Mr. DAVIS of Texas. If the cotton upon actual delivery and classification is middling, he gets middling cotton of the standard, regular commercial grade of the world. If it is below middling it has to be made good by a deficit. If it is above middling he has either won on it or he has to make good to the man he sold to.

Mr. FESS. Does he never know what he gets until it is delivered?

Mr. DAVIS of Texas. That is the idea of having a standard. We want everybody to be able to know what it is from the time it leaves the gin clear through. That is it exactly.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield to me a minute?

Mr. BENNET. I yield first to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, the Bureau of Markets, one of the new bureaus, the Division of Markets, I believe, to be called "Bureau of Markets" hereafter, has recently made a very interesting investigation in regard to the primary sale of cotton, and among other delightful literature which I read during the holidays was their report on that subject, which I commend to everybody in the House to read, and particularly to those gentlemen representing cotton States. They gathered together specimens of cotton by the thousands, with the actual price and date of sale in various States of the Union—Arkansas, Texas, and Alabama, and Mississippi, I think; I know in one or both of the Carolinas—taking a sample of the cotton, getting the price paid by the original purchaser from the original producer; and they discovered that in a very large proportion of the cases higher prices were paid for lower-valued cotton, even where it was subject to grade, according to the description which the gentleman gives. The purchaser of the cotton, the dealer—and I assume not with any intention of defrauding the seller at all—would pay to-day a high price for cotton from one seller and a lower price for cotton from another seller, when investigation showed that the low-priced seller had cotton worth a great deal more than the higher-priced seller.

I do not know, from statements made by the gentlemen who have spoken, whether the length of staple enters at all into the grades. I know myself enough about cotton from reading to know that a long staple makes a difference in the value, and that cotton with a staple three-quarters of an inch in length is not worth so much per pound as cotton with staple an inch in length or cotton with staple more than an inch in length. I do not know; I had supposed before that the long staple had something to do with the grade, but the gentlemen say not. It appeared, however, that in many cases cotton with a staple three-quarters of an inch in length was bought at a higher price in the same locality at the same time than cotton with staple of more than an inch in length, although the cotton with staple an inch in length was worth a number of dollars more per bale than cotton with a staple three-quarters of an inch in length. Will this bill correct that?

Mr. LEVER. We hope that this bill will correct that.

Mr. MANN. How?

Mr. LEVER. If the gentleman will permit—

Mr. MANN. Very briefly.

Mr. LEVER. I will yield more time to the gentleman if he needs it.

Mr. MANN. Very well.

Mr. LEVER. The gentleman is correct when he says that the length of the staple is not an element in what we now know as grade.

Mr. MANN. I did not say that. I said that you said that.

Mr. LEVER. Well, that is true.

Mr. MANN. It is hard for me to believe it, by the way.

Mr. LEVER. But we conferred authority in this bill upon the Secretary of Agriculture to continue investigations that he is now making with a view to developing some way by which we can standardize cotton as to the length of staple, moisture content, and other factors not now standardized that go to make value in cotton. What we are trying to do here is to provide authority for the Secretary of Agriculture to make those studies, and, when possible, to utilize the information so obtained in establishing standards that will express the true value of cotton.

Mr. MANN. I understood that; but I can not see anything in this bill that is likely to do that.

This is what I wanted to call attention to: It is stated that probably under the same conditions you would raise a greater number of pounds of cotton per acre with staple three-quarters of an inch in length than with staples an inch in length. That may seem anomalous, but I accept that statement. If a man raises cotton with a staple three-quarters of an inch in length, he is almost sure to get as high a price as the man who raises cotton with a staple an inch in length, and if the former in a large proportion of cases gets a higher price, there will be no object in the producer raising better cotton, although there is an object to the country in having the producer of cotton or anything else raise the best quality he can successfully produce.

Mr. LEVER. The gentleman is putting his finger upon the situation that this bill is intended to cure. Now, when cotton with the three-fourths inch staple sells on the market for a higher price than cotton with a staple of 1½ inches, it is due to the fact that the man who determined that grading in order to determine its value either did not know what he was doing or else was dishonestly grading.

Mr. MANN. I did not say that graded cotton was sold that way at all. The cotton sold by the farmer to the dealer in the towns is not graded. After it is graded, of course, the longer staple cotton receives the higher price, if it is in good condition.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit an interruption right there?

Mr. MANN. Yes.

Mr. SLAYDEN. There are very few farmers who bring cotton to market who do not know the value of their cotton.

Mr. MANN. I did not dispute that. I said grading is when the cotton is passed upon by somebody who grades it. Now, in answer to the question of the gentleman from Texas, I suggest that he had better get this report from the Bureau of Markets and read it, because it is apparent that he is not posted as to what actually takes place in those primary markets down there. It develops right along that there is no proportion between the price paid for cotton to the farmer and the value of the cotton when it goes into manufacture. I do not see anything in this bill that corrects it, although there may be something.

Of course, it is a serious situation. It is a good deal easier to tell the grade of corn or wheat than it is the grade of cotton, I assume, though I do not know much about either one. I think we ought to legislate in some way, if possible, so that the dealer in the country, who in the main, I suspect, is desirous of paying a fair market price for the cotton that he buys, may be able to judge, and so that the farmer himself may be able to know enough about it to ascertain whether the dealer is on the square with him. It would not be fair for a grain merchant in the country to buy corn on the basis of rejected corn when he was really buying No. 2, and it is not fair to the cotton producer if the dealer buys cotton upon the basis of the very lowest grade, and it is not fair to the dealer if he buys cotton upon the basis of a higher grade when he is buying a cheaper cotton.

Mr. BENNET. Does the gentleman from Texas [Mr. SLAYDEN] desire five minutes?

Mr. SLAYDEN. Mr. Chairman, I thank the gentleman from New York for his courtesy, and I will say a few words.

Mr. BENNET. I will yield five minutes to the gentleman from Texas.

Mr. SLAYDEN. Mr. Chairman, I am going to tell some of these gentlemen about how the cotton business of the South is conducted in what is called the primary market. The farmer brings his cotton into the small market town. Usually there are a number of exporters represented there by agents. They are eager competitors with one another for the purchase of that cotton. Perhaps the evening before, having a view of the market, they have offered in Manchester or Havre or Bremen, or perhaps in Boston or Fall River, quite a lot of cotton; and as the market is firm, in the morning these people perhaps accept those offers. So the man in the small market town must fill his contract. These exporters' agents become eager competitors with one another for that cotton.

Now, the merchants in these small towns—the grocer, the dry-goods man, and others who have been carrying the farmers,



who have accounts with them, and who are looking to the collection of those accounts when that cotton is sold—also bid for that cotton, and so far as my observation and experience go they invariably bid against one another; also with the same keenness and the same sharp competition that characterizes the representatives of the exporters, the buyers, as they are sometimes called.

The farmer will take a sample out of his bale, or will have it taken out where his cotton is weighed, and Mr. Smith will bid, we will say, 15 cents, which I suppose at the present time is a fair basis for the price of cotton. The farmer takes his sample to Mr. Jones, who realizes perhaps that 15 cents is the value, but he is anxious to sell some goods or to collect a debt and he says, "I will give you 15½ cents a pound." So he goes about from one man to another and they bid on that cotton, and the fact that the farmer usually gets full value for his cotton is pretty well attested by the fact that you can not find 2 per cent of the operators in cotton who have accumulated money. The margin is extremely narrow. Now, I am not a dealer in cotton. I am a producer of cotton in a small way, but I know how it is sold and that it usually brings the full market value. The farmer knows from the appearance of his cotton what the grade of it is. He has also gone to some merchant or banker and has looked at a file of telegraphic commercial news dispatches that have come in that morning, giving the quotations, and he knows the precise value of his cotton, or pretty nearly so, and he knows the grade of it very well indeed, and he usually gets the value of it.

Now, my friend from Ohio [Mr. Fess] has been very greatly bothered by the question of grade. Call it the type, if you please. Change it from the word "grade." There are types A, B, C, D, E, F, and G. Now type E, for instance, would be middling cotton. The trade generally knows that. Wherever they have these arbitrary signs, the trade generally knows what is meant. And middling cotton is middling cotton, as my friend from South Carolina [Mr. LEVER] has repeatedly said, on its appearance. It is middling because of its comparative freedom from broken leaves or trash of any kind that detracts from its appearance.

Mr. YOUNG of Texas. Stains?

Mr. SLAYDEN. No; stains class differently. You may have a middling stained, which is a different class of cotton, as my friend [Mr. LEVER] knows very well; but you may also have other sorts of middling cotton, which, as I have tried to explain, is determined by the appearance of the cotton, not its spinning quality. We have middling upland, and we have middling long staple, which refers to its appearance. We may have middling upland cotton with a staple three-quarters of an inch, and we may have middling cotton with a staple an inch and three-quarters, and I will say to my friend from Illinois [Mr. MANN] that the producer knows when he has produced that long-staple cotton, and he gets the value of it. They are endeavoring to improve the quality of their product by planting selected seed. They pay high prices for long-staple seed, and every year I see advertised in my home papers the Prolific, and this, that, or the other type of cottonseed.

Mr. FESS. Will my friend yield for one question?

Mr. SLAYDEN. Yes.

Mr. FESS. Why should I be interested in different grades, if they are not determined by the price that the cotton will command in the market?

Mr. SLAYDEN. Oh, well, let the gentleman get the word "grade" out of his mind. You may have two cottons of the same appearance. One is worth more money than the other, and the men in the trade know it; worth more because of better spinning quality, due to length and strength of staple.

Mr. FESS. Why should I be interested in the different types, if it is not because one will cost more than the other? Why should I vote for a bill that pretends to protect the producer or the purchaser, if it is not in the price paid for the thing that is bought?

Mr. SLAYDEN. I think I can leave to my persuasive friend from South Carolina [Mr. LEVER] to tell the gentleman why he should vote for this bill.

Mr. BENNET. Does the gentleman from South Carolina [Mr. LEVER] desire to use some of his own time before I resume and conclude?

Mr. LEVER. I yield 10 minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman, this measure is one of great importance to all men engaged in legitimate cotton business, and I trust that the gentleman from New York [Mr. BENNET] will not continue to oppose it. This bill provides for a fair and intelligent settlement of disputes that arise from day to day

between the buyer and seller of cotton. It is somewhat on the order of the grain-standard bill that we passed through this House. We found it necessary to authorize the Secretary of Agriculture to determine the grade or to settle disputes growing out of disagreements concerning grades in cotton-future transactions. I had the honor of suggesting the provision in the cotton-futures act which provided for the settlement of disputes of this character. Under the old system, if one party to the future contract on the New York Cotton Exchange should say that the grade in question is strict good middling and the other should say, "No; it is good ordinary," and if they could not agree, a committee of the cotton exchange would determine the grade, and from that committee's decision there was no appeal. Just think of that gentlemen of the House.

Mr. MADDEN. Will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. MADDEN. Would it not be finally settled by the inspector; whatever he says about it will settle it?

Mr. HEFLIN. He will have authority given to him by the Secretary of Agriculture, and he will be an expert grader and classifier.

Mr. MADDEN. You can appeal from his decision to the Secretary of Agriculture?

Mr. HEFLIN. Oh, yes; that could be done.

Mr. MADDEN. By the time you get that done the cotton will be made into cloth.

Mr. HEFLIN. No; it would not take long to get a decision as to the grade. The expert grader and classifier could pass on a large number of cases in a day. The gentleman must remember that the only thing that the Department of Agriculture will have to do is to declare the grade.

Mr. MADDEN. Is it proposed to put the inspectors under bond by this bill? In the grain inspection in our State every grain inspector has to give a hundred thousand dollar bond to guarantee that the grain inspected by him is what he fixes it. If when the grain arrives at its destination it turns out to be some other grade, a lower grade, the purchaser pays for the lower grade and the man who is on the bond of the inspector is responsible for the difference in the grades.

Mr. MEEKER. Will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. MEEKER. In section 9 it reads as follows:

That whenever a dispute arises as to the classification of any cotton which has been sold, offered for sale, consigned for sale, delivered for transportation, or transported in commerce any party interested in such transaction may refer the question of the true classification of said cotton to the Secretary of Agriculture for determination.

Does that mean that if A sells to B and then it is purchased by C and then sold to a broker, and finally either one of these men says it is not the grade that is called for, can that specific consignment of cotton be sent to the Secretary of Agriculture, and is the Secretary of Agriculture the court of last resort? Is that the purpose of the bill?

Mr. HEFLIN. Well, the purpose of the bill is to authorize the Department of Agriculture to determine the grade for buyer and seller whenever and wherever a disagreement is had between them as to the grade in question. If you buy a thousand bales of cotton from me and 500 are of the middling grade and 200 are of the strict middling grade and 200 of the grade known as ordinary, and the other 100 bales are good ordinary, we have four grades. I want you to pay me for the cotton according to the grades that I have mentioned. But you say I do not agree that these grades are what you think them to be. Then the department, if we desire it to act, will without knowing you or me decide just what the grades in dispute really are.

Surely gentlemen on that side of the House will not continue to oppose such a meritorious measure.

Mr. MEEKER. Then the gentleman means to say that the Department of Agriculture is the court of last resort as to the actual grades of cotton.

Mr. HEFLIN. Yes; in cases that are appealed to it, just as it determines now disputes regarding grades of cotton on future contracts. The difference is this bill has reference to sales of actual cotton—spot deals.

Mr. MEEKER. One question more. Could a dispute of that sort be settled between the farmer and the storekeeper if a dispute should arise between them as to the grade of cotton?

Mr. HEFLIN. Yes; any buyer or seller would have the right to have grades that could not be agreed upon determined by the Department of Agriculture. And the knowledge that the cotton producer can, if he is not satisfied with the grade fixed by the buyer, appeal to the Department of Agriculture, will have a very wholesome effect upon the expert classer and grader.

Now the seller who is without knowledge as to cotton grades is at the mercy of the expert classer and grader employed to



represent the buyer. [Applause.] Through this very system the cotton producers of the South have lost millions and millions of dollars.

The producer is entitled to know the truth as to the grade and character of cotton that he has for sale, and we should see to it that every safeguard necessary be thrown about the marketing of this important product, to the end that fair treatment and justice are accorded the cotton farmers of the United States. [Applause.]

Mr. BENNET. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I heard my genial friend from Texas [Mr. SLAYDEN] tell how sharp the competition was in the purchase of cotton in Texas, and I have no doubt that his statements are correct. The very fact that he makes them is sufficient evidence of that, of course. I have before me Bulletin No. 457 of the United States Department of Agriculture, recently issued by the Office of Markets, and I desire to quote from it with reference to the prices paid for cotton in Texas. I am not going to read it all, but I will take for example low middling December. The range in price is from 9.09 cents per pound for Texas to 12.10 cents per pound for South Carolina, a range of 301 points. Allowing for a variation of 50 points for freight, it is still found that Texas for that month is 250 points out of line, and \$12.50 per bale lower than South Carolina. I suspect that the competition described by our genial friend from Texas is not so bitter as is the competition in the smaller State of South Carolina. At any rate, according to this report, and they have the figures to back it up, producers of cotton in Texas on the average are getting about \$12.50 per bale less than they would get if they were producing in South Carolina, over and above the difference in freight transportation to the East. Here is a little item of interest in reference to Alabama, which does not reflect upon anybody, but which gives a reason why something ought to be done so that people may know the character of the cotton they are buying. For October in Alabama strict good ordinary cotton averaged 13.51 cents per pound. That is the lowest grade. Strict good middling averaged 13.47 cents per pound, less than the lower grade, and, says the bulletin, "the latter grade sold for 20 cents less per bale than the former," which means that the higher grade sold for 20 cents less than the low grade. On the basis of New Orleans differences it was actually worth \$7.50 per bale more, so the bulletin informs us. Again, low middling averaged 13.34 cents and strict low, middling, a higher grade, 13.19 cents, a lower price, and middling, 13.32 cents. Middling cotton sold on the average for less than low middling, though it is two grades higher. During the same month in South Carolina, so that we may pass these courtesies around, low middling averaged 13.25 cents and strict low middling, a higher grade, 13.18 cents, a lower price. Strict low middling was actually worth at least 25 points, or \$1.25 per bale, lower than low middling. While it was worth more, it sold for less. Of course, in the end when this cotton gets to the manufacturer, and for that matter long before it gets to the manufacturer, the prices adjust themselves as between the different grades of cotton, but apparently, notwithstanding the sharp competition in Texas between the grocer and the candlestick maker and the market man and other experts in cotton, cotton there sells in many cases, the low grade, for no more and no less than the high grade, and all of it about \$12.50 per bale less than it is really worth.

Mr. SHERWOOD. By what authority was this cotton inspected that the gentleman has told us about?

Mr. MANN. The Office of Markets under the authority of Congress, with an appropriation made by this House, undertook to ascertain the facts. They took samples of cotton where sales were made in the primary markets, obtained the prices, and gathered together the data. I do not remember how many thousand cases they had, but there were thousands of these samples taken, so that they say that their report probably represents the average for the different States.

Mr. SHERWOOD. That is, this cotton is already inspected under Government authority, as I understand the gentleman?

Mr. MANN. Oh, this cotton was not inspected at all. Samples were taken and the samples were sent here, not the original cotton. This has nothing to do with the sale of the original cotton. They inspected the samples when they were brought here, but the original cotton had not then been graded. It was because it was not graded that the differences in these prices existed, partly because it was not graded, and, possibly, partly because the grading does not affect the most important value feature of cotton, and that is the length of the staple. I yield back the remainder of my time.

Mr. LEVER. Mr. Chairman, the Committee on Agriculture for several years have suspected that the conditions outlined in

this report from which the gentleman from Illinois [Mr. MANN] has read have existed. It was that suspicion which induced the Agricultural Committee to begin the study of some plan by which we could remedy the situation which the gentleman from Illinois [Mr. MANN] has so well described. Testimony came to the Committee on Agriculture that experts had found that in certain local cotton markets the higher grade of cotton, higher in point of value, higher in point of grade, was selling in that market on the same day for a price less than the lower grade. It was that very fact which attracted the attention of the Committee on Agriculture to the problem involved here of providing machinery, if possible, through which the farmer, the producer, might know the value of that which he is selling, and the purchaser likewise might know the value of it.

It is clearly apparent from the investigation of the Department of Agriculture, as disclosed here this morning by the gentleman from Illinois, that there is great necessity for the standardization of the methods of handling cotton in the United States. Whether this bill will bring that about is a question, of course, of judgment. We believe—those of us who have studied the proposition and who have agreed unanimously in reporting this bill—that it has in it at least the elements out of which we will start in the direction of the better standardization of the methods of handling cotton in this country. It is perfectly evident that when the cotton of the higher grade is selling on the market for less than cotton of the lower grade—and I am using the term "grade" here to describe value as well as actual grades—that there is something wrong; that either the grader, whose business it is through his expertise to determine what the grade of that cotton is, is incompetent to grade, or, if competent, he is dishonestly grading. You can not escape that conclusion.

Now, for myself I do not believe that a large per cent of the cotton graders of this country are dishonest. I do think, however, that a very large per cent of the men who sample the cotton of the farmer in the little primary markets of the South and report the grade and fix the standard upon which its value is determined are incompetent to do that business. We are proposing in this bill to prevent the shipment of cotton in interstate and foreign commerce unless that cotton is graded in accordance with the standards of grades fixed by the Federal Department of Agriculture. But we are doing more than that. We are proposing to give authority to the Secretary of Agriculture to license competent graders, who shall be in the closest contact with the primary markets upon which the farmer's cotton is sold, in order that as far as possible under existing conditions we will bring to the man who produces as well as the man who buys this great product the largest possible information with respect to the elements and factors that make the value of that product. Now, that is all there is in this proposal.

The other provisions of the bill are more or less words. That is what we are trying to do. We have had established standards here since 1909 for cotton. Those standards represent the best judgment of the cotton experts of this country as saying what they purport to say. The great future-cotton exchanges of this country, the clearing houses of the cotton business, have been compelled by law to use these standards. They voluntarily accepted them before they were made to do it by law. A majority of the spot-cotton exchanges of the country which do not deal in future transactions at all have been so well satisfied with the representative character of these standards fixed by the Department of Agriculture for cotton that they, too, have adopted them and accepted them as the basis of their transactions. What we are trying to do in this bill is to go further than that and to compel all the parties interested in cotton to accept these standards.

What we are trying to do again in this bill is to place between the producer of cotton and the consumer of cotton a disinterested tribunal of experts whose business it will be, as far as humanly possible, to fix upon the factors that make the value of cotton and make that information valuable to seller and buyer. We are trying to remedy the situation that is described in the bulletin which the gentleman from Illinois [Mr. MANN] has read. I do not know that we are succeeding. My personal opinion is that we will greatly benefit the situation if we do not entirely remedy it. We are following in this legislation a precedent established by this Congress in its last session when it passed the grain-standards act, through which we hope to accomplish, and we have every reason to believe that we will accomplish, for the grain trade what we are undertaking to accomplish for the cotton trade in this bill.

Mr. SHERWOOD. I see that in section 2 the word "commerce" shall be construed to mean commerce among the several States. That appears to limit the scope of the bill. Now, in section 3 the word "commerce" is not used, and the Secretary



of Agriculture is authorized to investigate, and so forth, all the cotton that is produced. Now, I would like to know if under the Federal Constitution he has the right to regulate the control of contracts for cotton that is sold on the spot.

Mr. MANN. That is just investigation.

Mr. SHERWOOD. Should not this section here say "cotton that is going through the channels of commerce"?

Mr. LEVER. I will say to the gentleman from Ohio that we are undertaking in section 3 to confer authority upon the Secretary of Agriculture which he now has, I may say, because we are appropriating money in each current appropriation bill for that very purpose; but we are seeking through section 3 to give the Secretary of Agriculture the authority to get the fundamental basic facts with reference to cotton in all of its phases, the fundamental facts upon which we can predicate other legislation in the future, and from which we can make economic studies in the future. It is merely an investigation and not a regulation of the situation.

I trust, gentlemen of the committee, that we have made the situation sufficiently plain to convince gentlemen of the wisdom of undertaking this kind of effort through the Federal Government. If the facts as set forth in this bulletin are true, and we have no reason to doubt them, we need legislation of this character. Probably we need to go further than we are going here, but at least this is a start in the right direction. And I take it that a further study of the economics of the cotton business will probably induce a later Congress to further legislate on this proposition.

Mr. FESS. Will the gentleman yield for a question?

Mr. LEVER. Yes.

Mr. FESS. In a general way, what portion of the cotton growers would know the grade of cotton when it is ready for sale?

Mr. LEVER. Of course, in answer to that question I would say that my opinion is not worth a great deal more than the gentleman's, but probably a little more, because I am from the cotton belt; but I would say not over 5 per cent—and I would like the southern Members here to hear this—that probably not over 5 per cent of the producers of cotton have any very great familiarity with what is known as the grades of cotton. Is that too large?

Mr. HASTINGS. I think that is a very conservative statement.

Mr. FESS. So that this bill is to protect the man who produces the cotton from selling the cotton at a lower figure than the grade would justify in the market?

Mr. LEVER. Exactly; and to that end to give him information as to the value of that which he produces.

Now, when I say that I doubt whether more than 5 per cent of the farmers of the South have any great familiarity with grades I trust my statement may not be regarded as a reflection upon the intelligence of the farmers of the South.

I feel that they are as intelligent as any other class of farmers in any other section of the country, but the matter of determining the value of cotton is a highly technical proposition and requires large expertness in working out the factors that affect that value.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Gladly.

Mr. MANN. It seems to me the gentleman went a little further in his statement than he intended to. Of course, every farmer in the South knows that if cotton is left out in the rain and gets discolored its grade is lowered; they all know that if it is dirty and has sand mixed with it and is not cleanly picked that affects the grade.

Mr. LEVER. Of course. If the gentleman will remember, I said the farmer had no large familiarity with the subject of grade. Of course, the cotton farmer does know that to leave his cotton out in the rain or weather, or to pick it when it is too wet, or dirty, with too much trash in it, or when a storm comes and fills it with trash, that affects its value. But, taking a season like this, when we have had no unusual weather conditions excepting the flood, which did not affect the grade of it, we have had an excellent season, and the grade of cotton is practically all the same. We have not had any great diversity of grades of cotton at all. The farmer suffers most in misgrading of cotton when you have bad seasons and a consequent variety of grades. He always suffers most when the value of his grade is lowered, and there it is that we ought to protect him most.

Mr. MANN. Without being a judge of cotton, I should suppose that the grading of cotton, like the grading of anything else, was a matter of high expert service.

Mr. LEVER. I said that a moment ago,

Mr. MANN. Of course, you can not expect the farmer to have that expert service outside the farming business.

Mr. LEVER. Of course.

Mr. FESS. My question was not intended to reflect upon the intelligence of anyone.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET rose.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] is recognized.

Mr. BENNET. Mr. Chairman, as I think I have been very fair in yielding time to other gentlemen in the last hour, I will consider it a favor if I am allowed to proceed for eight minutes without interruption, in order to point out the defects that I started awhile ago to point out.

This is an attempt by statute—one of those always unsuccessful attempts—to substitute machinery for the competence, experience, and knowledge that come with trading in business. The gentleman from South Carolina [Mr. LEVER] said that the Liverpool exchanges had declined to accept our grading, and that he did not know why. I will tell him why. It is because anywhere, everywhere, and at any time people who have been educated in English-speaking countries are more willing to send their disputes to the ordinary courts of their countries, to which they are accustomed, than to any political division of the Government. I walked down the steps the other day, and out here I saw the statue of Thomas Jefferson, a great man, and I said to myself, "Old man, they have got you in the right place—outside of the House of Representatives, with your back to the Democratic side." [Laughter.] And that is where he has been put by the action of this House almost every day, because he was the man who said that "that country is the best governed which is the least governed."

Mr. DAVIS of Texas. Mr. Chairman, will the gentleman yield?

Mr. BENNET. I declined to yield to the House, and I regret that I can not yield to the gentleman.

Mr. DAVIS of Texas. I just wanted to correct the gentleman's history.

Mr. BENNET. Even for that I can not yield. [Laughter.]

Now, the reason why they will not accept our grades abroad under this bill is found in two provisions. One is the provision that the gentleman from South Carolina alluded to on page 3, which gives the Secretary of Agriculture the right to change these grades, it is quite true on comparatively long notice, but nevertheless the power is there, and while we can regulate things in our own country, yet in Liverpool and Bremen and Rotterdam and Antwerp and ports in other foreign countries their cotton is not necessarily strictly spot; it is all more or less future; and they are not subject to the right of the Secretary of Agriculture to arbitrarily change the grades.

And here is the other trouble: On page 4, section 5, it is provided that "reasonable variation from the official standards may be permitted under such rules and regulations as the Secretary of Agriculture shall prescribe." The gentlemen may say there always must be small variations, and that is true, but the course of education of English-speaking peoples has been such that they know intuitively that the best way to cope with those small variations is by the give and take of the traders, and that the most harmful thing to free trade between peoples, between the buyer and the seller, is the interposition of an arbitrary exercise of an arm of the government. Therefore when people abroad are asked to abide by our standard, rather than their own, they refuse to do it, because under the British method of procedure, as the gentleman from Texas [Mr. SLAYDEN] pointed out, their grades are the grades that are established by usage and custom on the part of the people.

Now, we give our Secretary of Agriculture the right to establish arbitrary grades, nine of them, and to change them from time to time, and we provide that no cotton shall be sold except according to those grades, and that even where there are these differences that always come up, these hair-line deviations, even there the buyer and the seller are prohibited from agreeing on those matters, and that if they are to sell except in accordance with exact grade they must sell under such rules and regulations as the Secretary of Agriculture shall prescribe.

Mr. LEVER. If the gentleman will permit me—

Mr. BENNET. I can not refrain from recognizing the gentleman.

Mr. LEVER. The gentleman is mistaken about that. If the gentleman will look at another provision of the bill, he will find that the buyer and seller may sell on sample or type by mutual agreement.

Mr. BENNET. Well, I think that even that is controlled by this proviso that I have read.



Mr. Chairman, we have gone insane on this question of regulating everything by statute in this country [applause], and the marvel of it is that we have gone insane on the question at a time when that party is dominant which, through its historic past at least, has been supposed to be the custodian of the idea of the freest and widest democracy.

And now even the chief product of the section from which the majority of that party comes is to be interdicted in its free buying and selling, and the men of an English-speaking country, contrary to our past under which we have prospered and developed, contrary to all our customs and habits, which are sound customs and good habits, are, in connection with the traffic in this greatest money crop of our country to be taken away from the course of dealing to which they are accustomed, the ordinary give and take of the market, of the trade between the buyer and the seller, and even in cases of dispute are to be taken away from the courses and the courts with which they are familiar, and relegated to an arm of the Government which may and frequently does change every four years, and where politics, using that word for the moment in its most sinister sense, can and sometimes does creep in, and where it far more frequently creeps in than in the courts of any State in this land.

I am opposed to this bill not because it affects that particular part of the country from which I come, for it does not. There is a cotton exchange in the city of New York; but the gentleman from South Carolina [Mr. LEVER] said promptly, a long time since in the discussion, that seven years ago, when these grades were established, the cotton exchange in the city which I represent in part at once accepted those grades and has been using them ever since.

Neither does this affect the much-mooted question of the sale of cotton on what is known as futures. This bill, as I understand it, relates only to spot cotton, and therefore we can discuss it without any question of extrinsic matters, on the clean-cut question of principle, and that I have had pleasure in doing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRUMBAUGH. I ask unanimous consent that the gentleman's time be extended two minutes.

Mr. LEVER. That can not be done under the rule.

Mr. BRUMBAUGH. I want to correct the gentleman's quotation from Jefferson.

The CHAIRMAN. The time for general debate has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc., That this act shall be known by the short title of the "United States cotton standards act."*

Mr. RAKER. Mr. Chairman, I move to strike out the last word. On July 5, 1916, I introduced a bill for the construction of a military highway—

Mr. MANN. Mr. Chairman, I make the point of order that the gentleman is not discussing the bill under consideration, as required by the rule in the five-minute debate.

Mr. RAKER. I am not going to discuss it. I want to extend my remarks in the Record on the bill.

Mr. MANN. I object.

Mr. RAKER. I have five minutes on this motion to strike out.

Mr. MANN. I make the point of order that the gentleman is not discussing the bill. I have no opposition to the gentleman getting his chance, but I do not think he ought to take it now.

Mr. RAKER. This is on the motion to strike out the last word. It will only take me a moment.

Mr. MANN. The gentleman is one of 435 Members of the House. He is not entitled to any greater privileges than the rest. If he wants to delay the House, very well, but he can not do it unless he comes within the rule.

Mr. LEVER. I wish the gentleman from California would let us read the bill. He can get his unanimous consent in the House. I do not want to object myself—

Mr. RAKER. I am satisfied that nobody will object.

Mr. LEVER. But I will say to the gentleman from California that this is the first call that the Committee on Agriculture has had, and will be the last one, except next Wednesday.

Mr. RAKER. Under those circumstances I will not take up any time, but will submit my request later.

The Clerk read as follows:

SEC. 3. That the Secretary of Agriculture is authorized to investigate the ginning, wrapping, baling, sampling, weighing, handling, classifying according to grade and otherwise, compressing, tare, moisture content, certification, identification, warehousing, storage, transportation, marketing, and utilization of cotton and its products.

Mr. BRUMBAUGH. Mr. Chairman, I move to strike out the last word. I just want to take a moment's time to correct the gentleman from New York [Mr. BENNET] in his quotation from

Jefferson. As I remember it, Jefferson said, writing to John W. Eppes:

I hold the world is governed too much. I hold that when we have established justice and so legislated as to prevent the strong from preying upon the weak, then the least governed country is the best governed country.

Mr. CARAWAY. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CARAWAY: Amend by striking out the period at the end of line 20 and inserting a colon and adding the following proviso:

*Provided, That none of the provisions and penalties prescribed in sections 13 or 14 of this act shall be applicable to the provisions and acts called for in said section 3.*

Mr. LEVER. If the gentleman from Arkansas is willing to make that amendment a part of section 13 or 14, I think I shall have no objection to it. It seems to me it comes out of order at this point in the bill, because the sections may be changed in the meantime.

Mr. CARAWAY. I have no objection. I ask leave to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 4. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the "Official cotton standards of the United States," and to adopt, change, or replace the standard for any grade of cotton established under the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909 (35 Stats. L., p. 251), and acts supplementary thereto: *Provided, That any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: Provided further, That no change or replacement of any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary; and he is authorized to make rules and regulations governing the use and condemnation of said practical forms.*

Mr. MEEKER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. I do not know much about the cotton-farming industry, but do you have the same conditions that we do in the wheat belt, have cotton that would be called no grade, and which is still marketable?

Mr. LEVER. There is a class of cotton in the South called "dogtail" cotton. It is not standardized; it is a very low class of cotton, but yet it has some value, such as making padding for horse collars, and so forth; but it is not a cotton that would ever be standardized by any grade.

Mr. MEEKER. Then that would not be affected by this bill at all?

Mr. LEVER. No; because it never would be standardized.

Mr. MEEKER. I asked the question because I see that before a change of grade is made there must be a year's notice, and suppose something should occur to the cotton crop which would destroy a lot of it as far as grading cotton is concerned?

Mr. LEVER. In the first place, there never could occur such a catastrophe as would destroy the grade of all the cotton in a section.

Mr. MEEKER. I did not mean all of it.

Mr. LEVER. Or a large per cent, because the Department of Agriculture is authorized in this act and other acts not only to standardize such cotton as it has already standardized for 18 grades, but it is authorized to standardize the lowest grades of cotton, except such stuff as no Secretary would want to standardize.

The Clerk read as follows:

SEC. 6. That no person shall ship, or deliver for shipment, in commerce any cotton in contemplation or in pursuance of any sale, offer for sale, or consignment for sale, whether by grade or other class, or in any other manner, under any name, description, or designation which is false or misleading in any particular: *Provided, That nothing contained herein shall prevent the shipment or delivery for shipment, otherwise lawful, of any cotton which is sold, offered for sale, or consigned*



for sale, on sample or type, without reference to grade or other class, under any name, description, or designation which is not false or misleading.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, line 10, strike out the word "herein," and in lieu thereof insert the words "in this act."

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer another committee amendment.

The Clerk read as follows:

On page 5 strike out the period at the end of line 11 and in lieu thereof insert a comma.

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 5, line 12, strike out the words "or type," and strike out, in line 13, the words "without reference to grade or other class," and in lieu thereof insert a comma after the word "sample," and the words "or one other than by a grade or other class within the scope of a standard which shall have become effective on type or."

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That the Secretary of Agriculture may, upon presentation of satisfactory proof of competency, issue to any person a license to classify cotton according to grade or otherwise and to certificate the grade or other class thereof, under such rules and regulations as the Secretary of Agriculture may prescribe. Any such license may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee for a hearing, that such licensee has failed to classify cotton correctly, in accordance with the official cotton standards of the United States, or has violated any provision of this act, or of the rules and regulations made hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing. Whenever the owner or person in possession of any cotton which has been classified, and its classification certified, by a classifier licensed under this act, is dissatisfied with such classification, he may, within a reasonable time, to be fixed in the rules and regulations of the Secretary of Agriculture, appeal therefrom to the Secretary of Agriculture. The Secretary of Agriculture is authorized to issue certificates, showing the true classification of the cotton involved in such appeals, signed by him, or, in his name, by some officer or officers of the Department of Agriculture designated by him. For the purposes of sections 5 and 6 of this act, any cotton shall be deemed to conform to the grade or other class of the official cotton standards of the United States set forth in a certificate for such cotton, issued in compliance with this act and the rules and regulations prescribed hereunder, obtained and used in good faith, without fraud or collusion, and a statement that it is of such grade or other class shall not be deemed to be false or misleading.

Mr. LEVER. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 6, lines 14, 15, and 16, strike out the words "has failed to classify cotton correctly in accordance with the official cotton standards of the United States" and in lieu thereof insert "is incompetent and has knowingly or carelessly classified cotton improperly."

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 6, line 23, after the word "of," insert the words "or persons interested in the transaction involving."

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 7, line 8, after the word "shall," insert a comma and the words "in behalf of any person prosecuting for violation of either of said sections."

The amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. HOWARD. Mr. Chairman, I want to ask the chairman of the committee a question with reference to certain language in the bill, beginning in line 22, page 6:

Whenever the owner or person in possession of any cotton which has been classified, and its classification certified, by a classifier licensed under this act, is dissatisfied with such classification, he may, within a reasonable time, to be fixed in the rules and regulations of the Secretary of Agriculture, appeal therefrom to the Secretary of Agriculture.

This is the question that I desire to propound: As the gentleman from South Carolina [Mr. LEVER] knows, a great many farmers in our section of the country raise cotton and are abso-

lutely dependent on a quick sale of that cotton for money with which to pay their current expenses. Suppose an incompetent classifier were to put a classification on, say, 10 bales of cotton in the hands of a farmer, which he knew was not a true classification of the cotton. Rather than be delayed in getting his money, although he knows his classification is based upon error or upon an attempt to defraud, he would be most likely to accept the classification. Under the provisions of this bill, if he desired to make an appeal, how long would he have to wait before he could get a decision giving him a true classification of his cotton?

Mr. LEVER. Mr. Chairman, the question of the gentleman from Georgia is an important one, and my answer to it is this, that it is proposed with the appropriation provided in this bill to locate boards of expert classifiers at the principal cotton markets of the South. There would probably be one or two in the State of Georgia, and there would undoubtedly be one in the State of South Carolina, and probably several in the great State of Texas.

There will be enough of these boards located, with headquarters established, to expedite as much as possible the consideration of transactions such as the gentleman has described. Just how long in actual practice it would take would be a matter to be determined largely by the distance that the complaining cotton seller lived from the nearest headquarters. I should think it ought not to take over a day or so, but that is somewhat of a guess.

Mr. HOWARD. I take it that the practical execution of this law will be about in this way, that all cotton buyers will stand examination and classify under the provisions of this act to grade cotton.

Mr. LEVER. That is correct.

Mr. HOWARD. That will be the actual cotton buyer in the market buying the staple?

Mr. LEVER. Yes.

Mr. HOWARD. It occurs to me that that class of classifiers and buyers would find it to their interest to give the farmer, as they have been doing ever since we have been raising cotton, the lowest classification that he is willing to take. Under the provisions of this act, if he puts that classification on, he can resort to the same means that he resorts to now. If there is no competition in that particular market, the buyers there will put on a low classification. Let us suppose there is only one cotton buyer at a particular market, and he the only licensed classifier. The farmer is absolutely at the mercy of that particular classifier as to the price that he will obtain for his cotton.

Mr. LEVER. But the gentleman overlooks the fact that the classifier would hold his license only upon condition that he conducted his business efficiently and honestly.

Mr. HOWARD. I understand.

Mr. LEVER. And if he drops into the habit of deliberately misgrading, his license is liable to be taken from him by the Secretary of Agriculture; and in addition to that he is liable to the penalties of this bill. Of course there will be, I have no doubt, some dishonesty in this business, as there is in every business, but I think we have reduced that to the minimum.

Mr. HOWARD. I am heartily in favor of this bill, but the proposition that I am trying to bring to the attention of the distinguished chairman of this committee is this, that we ought to have some method of expediting the appeal from a classification and a near-by settlement. In other words, there ought to be some machinery set in motion in this bill, in my judgment local machinery, by which these classifications can be appealed from and the classifications settled finally as between the grower and the buyer.

Mr. LEVER. I fully agree with the gentleman from Georgia.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to proceed for one minute in order that I may answer the gentleman.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I agree with the gentleman's statement entirely, but the gentleman must recognize the difficulty of the Congress of the United States legislating upon purely local propositions. What we are doing in this bill is to expedite the appeal just as much as possible, and we are providing an appropriation and giving an authority to the Secretary to locate these central boards, not in particular terms, but in general terms, so that in order to expedite such transactions we will bring our appeal board just as close to the farmer as it is possible to get it.



Mr. HOWARD. This bill provides that the appeal shall be made from the classification directly to the Secretary of Agriculture.

Mr. LEVER. That is true, but the gentleman must understand that the Secretary will act through his force in the field.

Mr. HOWARD. If that was not true, if the decision was that the appeal should be made to the board of classifiers appointed by the Secretary of Agriculture to determine this particular thing, then it would expedite it, but if a man down in South Carolina or in Georgia, in order to appeal on a 10-bale classification, must apply direct to the Secretary of Agriculture and then let the Secretary put into operation the machinery necessary to properly classify his cotton and hear his appeal, it will take so much time that the man would rather accept the original classification.

Mr. LEVER. But that is not the modus operandi at all. It will be the other way.

The Clerk read as follows:

SEC. 9. That whenever a dispute arises as to the classification of any cotton which has been sold, offered for sale, consigned for sale, delivered for transportation, or transported, in commerce, any party interested in such transaction may refer the question of the true classification of said cotton to the Secretary of Agriculture for determination. The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purposes of this section, and his findings, upon any dispute referred to him under this section, made after the parties in interest have had an opportunity to be heard by him, or such officer, officers, agent, or agents of the Department of Agriculture as he may designate, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true classification of the cotton involved.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last word. I do that for the purpose of asking unanimous consent to extend my remarks in the RECORD on the subject of rivers and harbors.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD on the subject of rivers and harbors. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman, I move to strike out the last two words. I ask unanimous consent to extend my remarks in the RECORD on the subject of military highways.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the subject of military highways. Is there objection?

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will read.

The Clerk read as follows:

SEC. 12. That any person who, without written authority from the Secretary of Agriculture, shall receive, use, or have in his possession, any of the practical forms furnished by the Secretary of Agriculture under this act which do not bear the certificate provided therefor by this act, or who alters, tampers with, or in any respect changes any of the said practical forms certified as provided for by this act, or who uses any of such practical forms after they shall have been condemned by the Secretary of Agriculture, or who shall, with intent to deceive or defraud, make, receive, use, or have in his possession any simulate or counterfeit practical form or forms of any standard of any cotton established under this act, or who fails to comply with or violates any of the rules and regulations made by the Secretary of Agriculture governing the use of said forms, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 13 of this act.

Mr. RAKER. Mr. Chairman, I move to strike out the section. Now, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. MADDEN. I object.

Mr. RAKER. You will have to keep on objecting. I will tell you that right now. It is fun on your part now, possibly.

Mr. MADDEN. Mr. Chairman, my objection is based on this fact—

Mr. RAKER. I think I have the floor. I do not need any explanation. I would just as soon the gentleman did not explain. If he has any deep-seated reason for sitting in his seat and permitting every other gentleman to get unanimous consent—

Mr. MADDEN. I object to the gentleman's discussion of his motion. I raise the question of order.

Mr. RAKER. If he has any deep-seated reason—

Mr. MADDEN. I raise the question of order as to the gentleman's discussion of the motion. He is not discussing it.

Mr. RAKER. I am going to discuss the motion to strike out the section when I get to it.

Mr. MADDEN. All right.

Mr. MANN. If the gentleman is going to filibuster, we will commence on this side as well. We may just as well understand it. I make the point there is no quorum present.

Mr. RAKER. He will have to make it. I have five minutes.

Mr. MANN. Mr. Chairman, I make the point of order there is no quorum present.

Mr. LEVER. Mr. Chairman, will the gentleman withhold it for a moment?

Mr. MANN. I will if you are going ahead with this bill, but not for extraneous matter.

Mr. RAKER. I will say to the gentleman from South Carolina [Mr. LEVER] that I do not propose to stand here and have my objections to a legitimate bill prevented and have other men get leave to print. It comes from the other side in the shape of objection. I am trying to be heard and I am going to be heard.

Mr. MANN. The gentleman is heard more than anybody, but nobody pays any attention to what he says. He is always talking.

Mr. RAKER. That is your view of it. Others differ. Now, the gentleman can make his remarks, but I am not going to submit to them, notwithstanding he has had lots of experience. And he can make any suggestion he wants. I did not refer to him at all.

Mr. MANN. I did to him.

Mr. LEVER. Do not tie up the bill.

Mr. MANN. If the gentleman is going to filibuster, I will filibuster.

Mr. RAKER. It is not any filibuster. It is an idea to get into the RECORD what I consider legitimate.

Mr. MANN. You get more in the RECORD than any other 10 gentlemen in the House.

Mr. RAKER. That is your opinion.

The CHAIRMAN. The point of order is made that no quorum is present. Debate is not in order. There is nothing in order until the Chair determines whether there is a quorum present. The Chair will proceed to count.

The Chair proceeded to count.

Mr. RAKER. Mr. Chairman, I want to withdraw my motion to strike out the section.

Mr. MANN. The gentleman can not withdraw it yet.

The CHAIRMAN. The gentleman can not do that, because there is a point of order of no quorum pending.

Mr. MANN. If we can proceed with this bill, I will withdraw the point of no quorum; but not to consider extraneous matters.

Mr. RAKER. We will proceed with the bill; and the gentleman is filibustering when he objects to my withdrawing the motion.

The CHAIRMAN. The gentleman from California asks unanimous consent to withdraw his motion to strike out the section. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from South Carolina a question. I have tried in the short time this bill has been under consideration to find a definition of the expression "practical forms," as it appears in line 1, page 9. Is it contained in the bill?

Mr. LEVER. There is no definition of the term "practical forms" in the bill.

But I may say to the gentleman that these words have a well-recognized meaning. If the gentleman will come to my office some time I will show him the forms representing the nine grades in a box, each grade set off by itself.

Mr. BENNET. The gentleman, I have no doubt, has a serious purpose in connection with this bill.

Mr. LEVER. Undoubtedly.

Mr. BENNET. And in this section the committee has inserted a description of a crime. In lines 14 and 15 is the language "shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 13 of this act." Now, the gentleman is a very excellent lawyer—

Mr. LEVER. The "gentleman" never served long enough to do anybody any harm as a lawyer.

Mr. BENNET. I think what service he has had has been a benefit. You would never convict anybody under this section of having in his possession any of the practical forms unless there is a well-defined description of what the practical forms are.

Mr. LEVER. But would not that be covered by section 11, which provides "That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act"? And, in addition to that, would it not be a matter of evidence in the court as to whether or not the party had in his possession such practical forms as the Secretary of Agriculture had put into commerce?

Mr. BENNET. Well, there might be something in that, except that this crime only adheres to those practical forms that are furnished by the Secretary of Agriculture under this act.

Mr. LEVER. Yes. If the gentleman will permit me, we are repeating here in section 12 the language already in the cotton-futures act touching this same proposition. The gentleman



understands, of course, that it is absolutely necessary to protect the integrity of these standards and that we have got to throw around them all the safeguards of law in order to prevent tampering with them. They are very delicate, and the slightest handling of them will make them absolutely valueless as a measure of grade or value. It is absolutely necessary to protect the country against the deliberate tampering with these forms. That is what we are trying to do here.

Mr. BENNET. Yes; but the gentleman is not getting where he wants, because he is attempting to make it a crime for a man to have in his possession any of the practical forms furnished by the Secretary of Agriculture under this act, when nowhere in the act is it provided that the Secretary of Agriculture shall furnish any practical forms.

Mr. LEVER. Let me read a little further on. I read:

That any person who without written authority from the Secretary of Agriculture shall receive, use, or have in his possession any of the practical forms furnished by the Secretary of Agriculture in this act—

And so forth.

Now, then, anyone having in his possession these forms which do not bear the certificate of the Secretary, which is required by law to accompany these practical forms, will be violating the law and will undoubtedly be putting himself in danger. It is absolutely necessary that we find some way of protecting these standards, just exactly as we provide now in reference to food and drugs in this country. We are tagging it; that is all. The possession of one of these boxes containing the type that has not been tagged by the certificate of the Secretary of Agriculture will likely get its possessor into trouble.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BENNET. After the 4th of March I shall be a practicing attorney. Suppose somebody in my town has some of these forms in his possession without having a certificate. A prosecution is commenced against him, and the case comes to me as his attorney, and I go into the question of how he is going to defend himself. The first thing that I or any other lawyer will look up will be to find out in what part of this act is described what a practical form is, and it is not here; and what is required of the Secretary of Agriculture in regard to furnishing practical forms, and I do not find it here.

Mr. LEVER. It does provide that.

Mr. BENNET. Where?

Mr. LEVER. Section 4 of the act provides—

That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the "Official cotton standards of the United States."

Mr. BENNET. That relates to the standardization, and not to the papers.

Mr. LEVER. There is no description of what the practical form is.

Mr. BENNET. The gentleman should remember that this is a penal statute.

Mr. LEVER. Yes. But in line 18, page 3, of the act, it is provided that—

The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the seal of the Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary; and he is authorized to make rules and regulations governing the use and condemnation of said practical forms.

Mr. BENNET. I think the gentleman is right. As I stated at the outset, I was not able to find it.

Mr. LEVER. I misunderstood the gentleman.

Mr. BENNET. I am free to say that in my judgment that cures the defect.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 14. That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act, or the rules and regulations made hereunder, shall, upon conviction thereof, be fined not more than \$1,000, or be imprisoned not more than one year, or be punished by both such fine and imprisonment.

Mr. CARAWAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CARAWAY: Amend by striking out the period at the end of line 10, page 10, and inserting a colon and the following proviso:

"Provided, That none of the provisions or penalties of sections 13 and 14 of this act shall be applicable to the provisions of section 3."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. RAKER. Mr. Chairman, I move to strike out all after the word "or" in line 9, and all of line 10, and insert the word "both" after the word "or."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 10, line 9, strike out all after the word "or" in line 9, and all of line 10, and insert the word "both."

Mr. RAKER. That is the same as the other section.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 15. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$50,000, available until expended, for the expense of carrying into effect the provisions of this act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This appropriation of \$50,000 is made available until expended. How long is it anticipated that that will carry on this work?

Mr. LEVER. Mr. Chairman, the department originally estimated for this work \$100,000. The committee thought it ought to be able to begin its organization work with \$50,000. I should say that the organization under this act certainly ought to be completed within one fiscal year. I did not get any information from the department about it, but that would be my own judgment.

Mr. MANN. The grain-grading act and this act are along the same lines.

Mr. LEVER. Yes.

Mr. MANN. What is the amount that is carried in the agricultural appropriation bill this year for the grain-grading act—\$500,000?

Mr. LEVER. We are carrying an appropriation of \$519,000 for the enforcement of that act, but \$250,000 of that is an unexpended balance.

Mr. MANN. It does not make any difference whether it is an unexpended balance or not. It has to come out of the Treasury. Now, if it costs half a million dollars for the grain-grading act, how does the gentleman expect to get along with \$50,000 for the cotton-grading act? My observation has been that the gentlemen from cotton States always get more money than the gentlemen from the grain States, and they make a point of it.

Mr. LEVER. I will say to the gentleman from Illinois that it ought not to be as expensive to enforce the provisions of this act as it is to enforce the provisions of the grain-grading act, to start with.

Mr. MANN. This \$50,000 is too much for the balance of this fiscal year and it is not enough until the end of the next fiscal year.

Mr. LEVER. I think the gentleman is right, but of course in the Committee on Agriculture we were in no position to handle the situation. If it should be determined later, through estimates from the department, that it will need more money, I will bring it to the attention of the House if we can reach it before we finish the consideration of the agricultural appropriation bill. Otherwise it will have to be taken care of in the Senate, I suppose.

Mr. MANN. If this bill becomes a law at all at this session of Congress, very likely it will be signed at 11.55 on the 4th of March, or on the 3d of March, the 4th being Sunday, I believe.

Mr. LEVER. I hope we may escape that this time.

Mr. MANN. It will then be too late to make an appropriation; and if we are diligent at this session of Congress, I trust we will not have to be here again before next December, after the 4th of March. I do not believe that \$50,000 will take care of this matter from March 4 until the 1st of next December, if we can get any notion at all from the expense of carrying out the grain-grading act.

Mr. ANDERSON. There is a difference between the situations as respects the grain-grading act and this act. The de-



partment has been working upon the grain-grading proposition for almost a year now—five or six months, anyway—and has completed its organization for the work under the act. In respect to this proposition, the \$50,000 will only go to completing the organization.

Mr. LEVER. I should think this amount will in all reasonableness carry out the work of organization until another appropriation can be made.

Mr. MANN. You can not make it too small to suit me.

Mr. SUMNERS. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the committee a question. The gentleman's attention has already been directed to the use of the word "practical" in this bill. Those of us who have had experience in prosecutions appreciate the necessity of framing a law in such a way that there will be just as few questions in it as possible. Under this bill you leave to the discretion of the Secretary of Agriculture the construction of the forms, anyhow. You do not undertake in this bill to indicate to the Secretary of Agriculture how the forms shall be constructed.

Mr. LEVER. That is true, but—

Mr. SUMNERS. Now, it may be that in a prosecution the presumption that the official has done his duty will stamp these forms in such a way that the question could not be raised in a trial as to whether or not a given form upon which a prosecution was based was in fact a practical form or not. But you put into this bill in every prosecution the question whether a given form upon which the prosecution is based is a practical form or not. Now, the point to which I wish to direct the attention of the gentleman is this, that you unnecessarily and without profit put into this bill a question which would confront a prosecutor in the event that a prosecution should be based upon an alleged violation; and if you will just eliminate the word "practical" wherever it appears in the bill, you will meet all the purposes of this legislation, it seems to me, and will eliminate the possibility of this question arising in the event of a prosecution for an alleged violation of the law.

Mr. LEVER. I think I can appreciate and sympathize with the gentleman's position. In the first clause the Secretary is authorized to establish and promulgate these standards in a practical form. In addition to that he is authorized and directed to prepare practical forms of the official standards which shall be established by him, and to furnish these from time to time to persons who are willing to pay for them. In addition to that, on page 3, line 24, he is authorized and directed—

To certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereto duly authorized by the said Secretary; and he is authorized to make rules and regulations governing the use and condemnation of said practical forms.

Now, you have authorized him to prepare these practical forms, but the fact of these forms being the practical forms authorized by this act will be evidenced by the signature and certificate of the Secretary of Agriculture, and I think that would relieve the situation which the gentleman is disturbed about.

Mr. SUMNERS. I recognize that it is not clearly fatal to a prosecution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS. I ask for one minute more, Mr. Chairman.

The CHAIRMAN. The gentleman asks unanimous consent that he may proceed for one minute. Is there objection?

There was no objection.

Mr. SUMNERS. I recognize that it is not fatal in the event of a prosecution, but you must leave some discretion to the Secretary of Agriculture. Of course, the gentleman does not mean it, but it is a reflection to say to a man who must prepare a form that it must be a practical form.

Mr. LEVER. What we desire to bring out by the use of the word "practical" is that the type box shall be of such a character as to visualize the grades of cotton.

Mr. SUMNERS. You do not so describe it here.

Mr. LEVER. It is almost impossible to do it.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BENNET. Mr. Chairman, I move to strike out the last three words in order to ask the gentleman from South Carolina a question. There is an unusual expression on line 5, page 4, and I want to see whether it is a typographical error. It is "and he is authorized to make rules and regulations governing the use and condemnation of said practical forms."

Mr. LEVER. Yes; the Secretary has the power to make rules governing the use of the practical forms and the regulations governing their condemnation. It may be that the Secretary might want to change the standards after 12 months' notice, and they would then go out of use, and he might want to condemn

them, and he would want to be sure and take the same precaution in condemning them as you would other property.

Mr. BENNET. I do not want to criticize the gentleman's use of language, but if the gentleman means abrogation, I think that would be the better word. I do not think you condemn a thing unless there is something evil about it, but you can abrogate anything that is obsolete.

Mr. LEVER. I do not pretend to a nice discrimination in the use of words, but you do condemn property and rights of way.

Mr. BENNET. It is simply a question of taste. If the gentleman is satisfied with it, I am.

The Clerk read as follows:

SEC. 17. That this act shall be effective immediately, except sections 5, 6, 7, 9, and 13, which shall become and be effective on and after September 1, 1916.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 11, line 3, strike out the word "September" and in lieu thereof insert the word "August."

Mr. MANN. It is not a great while to get this thing in shape. When the gentleman reported the bill before, I take it that it was reported in May—I do not know when it was introduced—but he proposed to make it go into effect the 1st of September.

Mr. LEVER. We make it August because August is the beginning of the cotton year in the trade.

Mr. MANN. Was not it the beginning of the cotton year when the bill was reported before?

Mr. LEVER. No; it has been changed since. I was informed of that fact lately by an expert in the Department of Agriculture.

Mr. CANDLER of Mississippi. Some of the cotton begins to move in August.

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 11, line 4, strike out the word "sixteen" and insert in lieu thereof the word "seventeen."

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Cox, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15913) establishing uniform standards and classification of cotton, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BENNET. Mr. Speaker, I move to recommit the bill to the Committee on Agriculture with instructions to report the same back forthwith by striking out the proviso on page 4, section 5, and the latter two provisos in section 4, on page 3.

Mr. LEVER. I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. BENNET moves to recommit the bill with instructions to report the same back forthwith by striking out the proviso on page 4, section 5, and the last two provisos in section 4, page 3.

The SPEAKER. The question is on the motion to recommit. The question was taken, and the motion to recommit was rejected.

The bill was passed.

On motion of Mr. LEVER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 306. Joint resolution authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the



segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma.

#### INVESTIGATION UNDER HOUSE RESOLUTION 429.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution that I send to the Clerk's desk.

The Clerk read as follows:

House resolution 430.

*Resolved*, That in the performance of the duties imposed upon it by reference to it of House resolution 429, the Committee on Rules shall have the power to send for persons and papers and to administer oaths, and to employ such stenographic and clerical assistance as may be necessary. The expenses incurred hereunder shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee signed by the chairman thereof, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

The resolution was agreed to.

On motion of Mr. GARRETT, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

#### STANDARDIZATION OF SERUMS.

Mr. RUBEY. Mr. Speaker, I desire to call up by direction of the Committee on Agriculture the bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes.

Mr. MANN. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The Chair will count.

Mr. MANN. I will say to the gentleman from Missouri that there is no advantage in starting this bill to-night, that he will not make any progress, but I will withdraw the point of order.

#### EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record upon the bill H. R. 16788?

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I wish the gentleman to state what the subject of the remarks will be?

Mr. RAKER. They are upon House bill 16788, and relate entirely to that bill and its operation.

Mr. MADDEN. What is the bill?

Mr. RAKER. It is a bill for the construction of a military highway, and the remarks refer to that bill in all its various forms.

Mr. MADDEN. Mr. Speaker, I wish to say now while I have the floor, and I have the right to speak, that my reason for objecting to the request for unanimous consent by the gentleman from California [Mr. RAKER] on previous occasions was that he was trying to inject a foreign matter into the consideration of a bill that was pending before the House. Now that that is out of the way I shall not object.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. RAKER. Mr. Speaker, I would like to proceed for one minute—

Mr. MANN. Mr. Speaker, I shall object to that.

#### STANDARDIZATION OF SERUMS, ETC.

The SPEAKER. The gentleman from Missouri calls up the bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes, and under the rule the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from California [Mr. RAKER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15914, with Mr. RAKER in the chair.

The Clerk reported the bill by title.

Mr. RUBEY. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RUBEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that

committee had had under consideration the bill H. R. 15914 and had come to no resolution thereon.

#### ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Thursday, January 4, 1917, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the War Department for the service of the fiscal year 1918 (H. Doc. No. 1869); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an estimate of appropriation required by the War Department for necessary dredging incident to the construction of a dock at the ordnance depot, Panama Canal (H. Doc. No. 1870); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting an estimate of appropriation for the fiscal year 1917 (H. Doc. No. 1871); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting an estimate of appropriation for the fiscal year 1917 (H. Doc. No. 1872); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior submitting an estimate of deficiency in the salaries of officers and employees of the National Park Service from March 1, 1917, to June 30, 1917 (H. Doc. No. 1873); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Smithsonian Institution submitting an estimate of appropriation for botanical exploration in Central and South America for the fiscal year ending June 30, 1918 (H. Doc. No. 1874); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, submitting estimates of appropriation for inclusion in deficiency bill or sundry civil appropriation bill Buena Vista (Va.) post office, Leominster (Mass.) post office, and Pittsfield (Mass.) post office (H. Doc. No. 1875); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Commerce submitting estimates of deficiencies in appropriations for the Department of Commerce for the fiscal year ending June 30, 1917 (H. Doc. No. 1876); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting an estimate of appropriation required by the War Department for the service of the fiscal year 1918 for United States disciplinary barracks, Fort Leavenworth, Kans. (H. Doc. No. 1877); to the Committee on Appropriations and ordered to be printed.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COOPER of Ohio: A bill (H. R. 19539) granting the consent of Congress to the Mahoning & Shenango Railway & Light Co. and its successors and assigns to construct, complete, maintain, and operate a combined dam and bridge across the Mahoning River in the State of Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: A bill (H. R. 19540) authorizing the granting of patent to certain lands adjacent to the agricultural experiment station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry land agricultural experimental purposes; to the Committee on the Public Lands.

By Mr. ROBERTS of Nevada: A bill (H. R. 19541) to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes; to the Committee on the Public Lands.



By Mr. COOPER of Wisconsin: A bill (H. R. 19542) authorizing and directing the Secretary of War, in his discretion, to deliver to the village of Sharon, Wis., two condemned bronze or brass cannon; to the Committee on Military Affairs.

By Mr. McARTHUR: A bill (H. R. 19543) to designate the dates upon which the Congress shall meet in regular session; to the Committee on the Judiciary.

By Mr. MONTAGUE: A bill (H. R. 19544) to increase the limit of cost of the purchase of the enlarged site of the Federal building at Richmond, Va.; to the Committee on Public Buildings and Grounds.

By Mr. SINNOTT: A bill (H. R. 19545) to authorize an addition to the Whitman National Forest, in the State of Oregon; to the Committee on the Public Lands.

By Mr. STERLING: A bill (H. R. 19546) to amend an act entitled "An act to regulate commerce"; to the Committee on Interstate and Foreign Commerce.

By Mr. KALANIANAOLE: A bill (H. R. 19547) concerning the qualification of Federal officials within the Territory of Hawaii; to the Committee on the Territories.

By Mr. MOON: Resolution (H. Res. 428) authorizing the consideration of certain new legislation in H. R. 19410, a bill making appropriations for the support of the Post Office Department for the fiscal year 1918; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 19548) granting a pension to Mary E. O'Reilly; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 19549) granting a pension to Howard W. Bingham; to the Committee on Pensions.

By Mr. BEAKES: A bill (H. R. 19550) granting an increase of pension to Henrietta Nokes; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 19551) granting an increase of pension to Samuel H. Keech; to the Committee on Invalid Pensions.

By Mr. CANDLER of Mississippi: A bill (H. R. 19552) for the relief of the heirs of Burton Meador, deceased; to the Committee on War Claims.

Also, a bill (H. R. 19553) to authorize the Postmaster General to settle the accounts of Joseph Lowrey, deceased; to the Committee on Claims.

Also, a bill (H. R. 19554) to authorize the appointment of Samuel T. Polk to the grade of first lieutenant in the Army; to the Committee on Military Affairs.

By Mr. CANTRILL: A bill (H. R. 19555) granting a pension to Mabel Nolan, daughter of John Nolan; to the Committee on Invalid Pensions.

By Mr. CHIPERFIELD: A bill (H. R. 19556) granting an increase of pension to William S. Strobe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19557) granting an increase of pension to Lewis C. Derry; to the Committee on Invalid Pensions.

By Mr. COSTELLO: A bill (H. R. 19558) for the relief of Amos Gaul; to the Committee on Military Affairs.

By Mr. CRAGO: A bill (H. R. 19559) granting a pension to William H. Troxell; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 19560) granting a pension to Edith L. Morgan; to the Committee on Pensions.

By Mr. DARROW: A bill (H. R. 19561) granting an increase of pension to Philip Liebrick; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 19562) granting an increase of pension to Elmes J. Gilman; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 19563) granting a pension to Charles A. Livingstone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19564) granting a pension to Esther A. Aiken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19565) granting a pension to Robert Earl Puett; to the Committee on Pensions.

By Mr. GALLIVAN: A bill (H. R. 19566) granting a pension to Ella C. Gay; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 19567) granting a pension to Peter J. Huber; to the Committee on Pensions.

Also, a bill (H. R. 19568) granting a pension to Sylvester Haus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19569) granting an increase of pension to Andrew Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19570) granting an increase of pension to Marion S. Day; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 19571) granting an increase of pension to Charles Henry; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 19572) granting an increase of pension to Adam Allwein; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 19573) granting an increase of pension to Osborn Allen; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 19574) to reimburse Hugh T. Caffey, postmaster at Leeds, Ala., for money and stamps stolen from said post office at Leeds, Ala., and repaid by him to the Post Office Department; to the Committee on Claims.

By Mr. HULL of Iowa: A bill (H. R. 19575) for the relief of Robert W. Vail; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 19576) granting a pension to William H. Ormsby; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 19577) granting an increase of pension to David H. Tullis; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 19578) granting an increase of pension to Alice A. Croll; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 19579) granting an increase of pension to Henrietta E. Wingard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19580) granting an increase of pension to Mary J. Davis; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 19581) granting an increase of pension to Pascal Hunley; to the Committee on Invalid Pensions.

By Mr. NICHOLS of Michigan: A bill (H. R. 19582) granting a pension to Cecilia Gordon; to the Committee on Pensions.

Also, a bill (H. R. 19583) granting a pension to Joseph D. Beaubien; to the Committee on Pensions.

Also, a bill (H. R. 19584) granting an increase of pension to William Schwicardi; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 19585) granting an increase of pension to Albert A. Root; to the Committee on Invalid Pensions.

By Mr. PATTEN: A bill (H. R. 19586) for the relief of Richard Henry Greene and Walter F. Jones; to the Committee on Military Affairs.

By Mr. PLATT: A bill (H. R. 19587) granting an increase of pension to George W. Fitzgerald; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 19588) granting a pension to Curt Morgan; to the Committee on Pensions.

Also, a bill (H. R. 19589) granting a pension to Gilson D. Moore; to the Committee on Pensions.

Also, a bill (H. R. 19590) granting an increase of pension to Leander Young; to the Committee on Pensions.

By Mr. RAMSEYER: A bill (H. R. 19591) granting a pension to Anna C. Livingston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19592) granting a pension to Jane Snider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19593) granting an increase of pension to Henry A. Adcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19594) granting an increase of pension to James I. Moss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19595) granting an increase of pension to Edward Hesson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19596) granting an increase of pension to Samuel R. Easter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19597) for the relief of Richard Hall; to the Committee on War Claims.

By Mr. REAVIS: A bill (H. R. 19598) granting an increase of pension to Robert McMillen; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 19599) granting a pension to Ella Mearns; to the Committee on Pensions.

Also, a bill (H. R. 19600) granting an increase of pension to Mary E. McManigal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19601) granting an increase of pension to Anna Mallory; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 19602) granting a pension to Alexina Nowlan; to the Committee on Pensions.

By Mr. RUCKER: A bill (H. R. 19603) granting an increase of pension to Charles Chaney; to the Committee on Invalid Pensions.



Also, a bill (H. R. 19604) granting an increase of pension to Orville H. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19605) granting an increase of pension to John M. Stanley; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 19606) granting an increase of pension to Elizabeth Reid; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 19607) granting an increase of pension to Hiram M. Brown; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 19608) granting a pension to James M. Neighbors; to the Committee on Pensions.

Also, a bill (H. R. 19609) granting a pension to William B. Tomlinson; to the Committee on Pensions.

Also, a bill (H. R. 19610) granting a pension to Hiram Dillon; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 19611) granting an increase of pension to Jerome W. Russell; to the Committee on Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 19612) granting a pension to William A. Stuchell; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 19613) granting an increase of pension to James S. Doolittle; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 19614) granting a pension to Nellie P. Keliher; to the Committee on Invalid Pensions.

By Mr. WARD: A bill (H. R. 19615) granting an increase of pension to Lorinda H. Courtright; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 19616) granting an increase of pension to Franklin T. Lockhart; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 19361, for relief of Samantha McCann; to the Committee on Invalid Pensions.

Also, petition of Dr. L. C. Laycock and 12 others, of Alexandria, Ohio, against any increase in postage rates; to the Committee on the Post Office and Post Roads.

By Mr. BACHARACH: Memorial of city commissioners of Hoboken, N. J., asking embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. BEAKES: Petition of employees of post office of Wyandotte, Mich., asking an increase of pay; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Petition of sundry citizens of New York against prohibition; to the Committee on the Judiciary.

Also, petition of William B. Heneberry, favoring House bill 15312 relative to pay of inspectors of customs at port of New York; to the Committee on Appropriations.

Also, petition of International Union, United Brewery Workmen, favoring the Nolan bill; to the Committee on Labor.

Also, memorial of National Association of Manufacturers of the United States, favoring additional provisions for foreign-trade facilities; to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Cannery Association, favoring enlargement of the pure-food laws; to the Committee on Agriculture.

Also, petition of sundry citizens of New York City, against abolishment of pneumatic mail tube; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry business firms of the United States, against any increase in postage; to the Committee on the Post Office and Post Roads.

Also, petition of J. H. Shipway & Bros., Niagara Electro Chemical Co., and John H. Behling, all of New York, favoring House joint resolution 236, relative to power at Niagara Falls; to the Committee on Education.

By Mr. CAREW: Memorial of Board of Aldermen of New York City, against auto trucks for mail delivery; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Charles Harris Whitaker, relative to appointment of an expert commission to frame a public-building policy for the United States; to the Committee on Public Buildings and Grounds.

Also, petition of City Club of New York, against abolishment of pneumatic mail-tube service in New York; to the Committee on the Post Office and Post Roads.

Also, petition of New York Cannery Association, relative to enlarging pure-food laws; to the Committee on Agriculture.

Also, petition of Bakery and Confectionery Workers' International Union of America, against national prohibition; to the Committee on the Judiciary.

By Mr. EAGAN: Petition of Board of Commissioners of Hoboken, N. J., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of employees of the post office of Hoboken, N. J., for increase in pay; to the Committee on the Post Office and Post Roads.

Also, memorial of American Association of State Highway Officials, relative to fund for completion of topographic map of the United States; to the Committee on Appropriations.

By Mr. FITZGERALD: Memorial of National Association of Box Manufacturers, favoring fund annually to the laboratory at Madison, Wis., to enable department to continue its work; to the Committee on Agriculture.

Also, memorial of Bronx Board of Trade, of New York, favoring pneumatic-tube service in New York City; to the Committee on the Post Office and Post Roads.

Also, memorial of the Lincoln Society, of Brooklyn, N. Y., favoring law for compulsory universal military training; to the Committee on Military Affairs.

Also, memorial of Board of Aldermen of the City of New York, favoring continuance of the pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, memorial of Rome (Ga.) Chamber of Commerce, favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Rockford (Ill.) Typographical Union, No. 213, for increase of pay for printers in Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of New York State Federation of Labor, opposing an increase of postal rates for newspapers, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Keystone Steel & Wire Co., of Peoria, Ill., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GOODWIN of Arkansas: Papers to accompany House bill 19457, for the relief of T. M. Francis; to the Committee on Claims.

By Mr. HAMLIN: Papers to accompany House bill 19459, to increase the pension of Robert N. Hawkins; to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: Petition of employees of post offices in Davenport and Iowa City, Iowa, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Petition of 240 citizens of St. Louis, Mo., favoring national suffrage for women; to the Committee on the Judiciary.

By Mr. KING: Petition of George W. Oakley, of Canton, Ill., favoring bill granting to persons without means loans to stock homesteads, etc.; to the Committee on Banking and Currency.

By Mr. LAFEAN: Memorial of Brotherhood of Calvary Baptist Church, Washington, D. C., favoring prohibition in the District of Columbia; to the Committee on the Judiciary.

By Mr. MEEKER: Memorial of Boot and Shoe Workers' Union of St. Louis, Mo., against prohibition in the District of Columbia; to the Committee on the Judiciary.

Also, petition of Western Refrigerator and Manufacturing Co., Charles A. Sweet Provision Co., and Apple Hat Co., all of St. Louis, Mo., and Loose-Wiles Biscuit Co., of Kansas City, Mo., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of locals at St. Louis, Mo., of the International Union of the United Brewery Workmen and of the Union Label Trades Department of the American Federation of Labor, of Washington, D. C., protesting against prohibition for the District of Columbia, and also against national prohibition; to the Committee on the Judiciary.

Also, petition of Progressive Beneficiary Association, of St. Louis, Mo., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. NORTH: Petition of Local Union No. 140, United Mine Workers of America, Arcadia, Pa., representing 390 members; Local Union No. 1218, United Mine Workers of America, Florence, Pa., representing 147 members; Local Union No. 1569, United Mine Workers of America, Frostburg, Pa., representing 180 members; and Local Union No. 2739, United Mine Workers of America, Gipsy, Pa., representing 235 members; praying for the appointment of a commission to devise ways and means to restore the food prices back to something near normal; to the Committee on Rules.



By Mr. ROWE: Petition of Chamber of Commerce of State of New York, favoring an increase of salary for tariff commissioners of United States; to the Committee on Ways and Means.

Also, petition of John L. Nellis, Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Wallace & Co. and J. J. Snyder & Son, both of Brooklyn, N. Y., favoring increase in rate for periodicals; to the Committee on the Post Office and Post Roads.

Also, petition of M. H. Tracy & Co. and Joseph H. Nelson, both of New York City, protesting against discontinuance of pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of Broadway Board of Trade, favoring passage of Griffin-Penrose bill for pensioning post-office employees; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Papers to accompany House bill 19050 in pension case of William D. Hall alias William D. Hill; to the Committee on Invalid Pensions.

Also, petition of Frank McLaughlin, of Charlotte, Mich., favoring reasonable allowance for equipment maintenance for rural carriers; to the Committee on the Post Office and Post Roads.

Also, petition of E. V. Cole and three others, of Grand Ledge, Mich., against increase in postage; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 18438, in pension case of Charles W. Bennett; to the Committee on Invalid Pensions.

By Mr. SCULLY: Memorial of board of commissioners of Hoboken, N. J., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, memorial of board of directors of Troy (N. Y.) Chamber of Commerce, relative to widening the Narrows of Lake Champlain; to the Committee on Rivers and Harbors.

Also, memorial of employees of various terminal railway post offices, for increase in pay; to the Committee on the Post Office and Post Roads.

Also, memorial of American Association of State Highway Officials, favoring appropriation for completion of topographic maps; to the Committee on Appropriations.

By Mr. TEMPLE: Petition of Robert M. Dean and Charles E. Berchtold, of New Brighton, Pa., in favor of increasing the salaries of rural carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Peter Bollenbacher, secretary of Trades-Union Liberty League of Pennsylvania, opposing the prohibition measures now pending in Congress, and Joseph Proebstle, international secretary of International Union of the United Brewery Workmen, Cincinnati, Ohio, opposing the prohibition measures now pending in Congress; to the Committee on the Judiciary.

By Mr. TINKHAM: Petition of Milton Woman's Club, of Milton, Mass., in favor of the erection of a new immigration station for the port of Boston; to the Committee on Public Buildings and Grounds.

Also, petition of West Roxbury Citizens' Association, West Roxbury, Mass., favoring nation-wide prohibition; to the Committee on the Judiciary.

By Mr. TREADWAY: Petitions of sundry citizens of Holyoke, Pittsfield, and Shelburne Falls, all in the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WALSH: Petition of Union Service of Churches, by George R. Locke, chairman, representing 100 people of Provincetown, Mass., favoring national constitutional prohibition; to the Committee on the Judiciary.

By Mr. WATSON of Pennsylvania: Petition of E. S. Augstadt and 45 other postal employees, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. WOODYARD: Papers to accompany House bill 19616, for relief of Franklin T. Lockhart; to the Committee on Invalid Pensions.

## SENATE.

THURSDAY, January 4, 1917.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for those things that are fixed and changeless, and we thank Thee for the things that are ever changing and ever new. Out of the one we receive our inspiration and our hope; out of the other we build our character and shape our destiny. Grant us grace this day. Grant that in this sacred moment we may enter into the realm of closed questions with God and go out into the battle of life imbued with Thy spirit and guided with Thy truth. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

## MUNITIONS OF WAR (S. DOC. NO. 664).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a copy of the proceedings of a board of officers convened by the Secretary of War to investigate and report upon the feasibility, desirability, and practicability of the Government manufacturing arms, munitions, equipment, etc., which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

## OFFICE OF THE CHIEF OF ENGINEERS (S. DOC. NO. 662).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting supplemental estimates of appropriation for additional clerical force in the Office of the Chief of Engineers for the fiscal year 1918, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 15913) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 186) authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River, with amendments, in which it requested the concurrence of the Senate.

## PETITIONS AND MEMORIALS.

Mr. BRADY. I present a resolution adopted by the State Board of Land Commissioners of the State of Idaho petitioning the Federal Government to grant to that State 1,000,000 acres of unappropriated lands to be sold as other State lands, the proceeds of which sale shall be devoted to the building and improving of wagon roads in the State of Idaho. I ask that the resolution be referred to the Senate Committee on Public Lands for consideration in connection with the bill introduced by me December 5, being Senate bill 7042, granting to the State of Idaho 2,000,000 acres of lands to aid in the construction and maintenance of public roads in the State of Idaho.

The PRESIDENT pro tempore. Without objection, the resolution will be received and referred to the Committee on Public Lands.

Mr. BRADY. I present a petition signed by a large number of citizens of St. Maries, Idaho, praying for an embargo on food and leather leaving this country. I move that the petition be received and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PHELAN. I present, in the form of a memorial, three telegrams from organized-labor associations of California with respect to oriental immigration and ask that they be printed in the Record.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the Record, as follows:

[Telegram.]

SAN FRANCISCO, CAL., January 3, 1917.

HON. JAMES D. PHELAN,  
United States Senate, Washington, D. C.:

As you doubtless know, organized labor of California is as united as ever in the demand for really effective legislation which will bar all Asiatic laborers from our shores. We therefore strongly favor the House language of the immigration bill, which would prevent Hindus and persons ineligible to citizenship from entering the United States. We also urge you to stand firmly for your amendment, which would permit only citizens or those who have declared their intention to become citizens to send for their wives.

CALIFORNIA STATE FEDERATION OF LABOR,  
DANIEL C. MURPHY, President,  
PAUL SCHARRENEBERG, Secretary,  
STATE BUILDING TRADES COUNCIL,  
P. H. MCCARTHY, President,  
O. A. TVEITMOE, Secretary.

[Telegram.]

SAN FRANCISCO, CAL., January 3, 1917.

HON. JAMES D. PHELAN,  
Washington, D. C.:

San Francisco Labor Council, representing 50,000 workers, in thorough accord with your activity on immigration bill. Stand firm in your position favoring the language in House bill, which bars Hindus and persons ineligible to citizenship entering the United States. Keep up the good work.

SAN FRANCISCO LABOR COUNCIL,  
JOHN A. O'CONNELL, Secretary.